



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 12/04/2005 (Per: JTK)



Appendix A ... Part 11 of 16

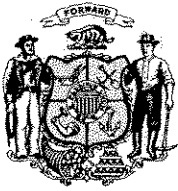
The 2005 drafting file for LRB 05-2978/11

has been copied/added to the 2005 drafting file for

LRB 05-3956 (SB 426)

The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2978/6

JTK:wj:ch

wj

2005 BILL

Monday
asap
AM

(regenerate)

1 AN ACT ~~to repeal~~ 108.02 (15) (k) 14., 108.04 (1) (e), 108.04 (7) (f) and 108.05 (1)
2 (j) to (m); **to renumber** 108.22 (1) (ad); **to renumber and amend** 108.105 and
3 108.22 (8) (b); **to amend** 20.445 (1) (gd), 20.445 (1) (nb), 20.445 (1) (nc), 20.445
4 (1) (nd), 20.445 (1) (ne), 108.02 (12) (a), 108.02 (12) (dm), 108.02 (12) (dn), 108.02
5 (15) (j) 5. and 6., 108.02 (21) (a) (intro.), 108.02 (21e) (intro.) and (b), 108.04 (1)
6 (b) 1., 108.04 (1) (b) 3. (intro.), 108.04 (1) (c), 108.04 (5), 108.04 (13) (c), 108.04
7 (13) (e), 108.04 (16) (b), 108.04 (16) (c) 2., 108.05 (1) (n) (intro.), 108.05 (3) (a),
8 108.05 (10) (b), 108.068 (2), 108.09 (2) (bm), 108.09 (4s), 108.151 (4) (b), 108.16
9 (6m) (a), 108.16 (8) (e) 1., 108.16 (8) (h), 108.17 (2g), 108.18 (1) (a), 108.18 (2)
10 (d), 108.20 (2m), 108.205 (2), 108.22 (1) (ac), 108.22 (1) (b), 108.22 (1) (c), 108.22
11 (1m), 108.22 (2), 108.225 (1) (a), 108.225 (20), 108.24 (2) and 165.60; and **to**
12 **create** 20.445 (1) (gi), 108.02 (15) (j) 7., 108.04 (13) (g), 108.05 (1) (o) and (p),
13 108.05 (5g), 108.09 (4n), 108.105 (2), 108.151 (7), 108.16 (6w) and (6x), 108.16
14 (8) (em), 108.16 (8) (im), 108.16 (8) (m) to (o), 108.17 (2b), 108.205 (1m), 108.22

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1 (1) (ad) 2., 108.22 (8) (b) 2. and 165.066 of the statutes; **relating to:** various
2 changes in the unemployment insurance law, authorized positions for the
3 department of justice, making appropriations, and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the unemployment insurance law. Significant provisions include:

BENEFIT RATE CHANGES

Currently, weekly unemployment insurance benefit rates for total unemployment range from \$49 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,225 during at least one quarter of the employee's base period (period preceding a claim during which benefit rights accrue) to \$329 for an employee who earns wages (or certain other amounts treated as wages) of at least \$8,225 during any such quarter. This bill adjusts weekly benefit rates for weeks of unemployment beginning on or after January 1, 2006, and before ~~December 31, 2006~~ to rates ranging from \$51 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,275 during at least one quarter of the employee's base period to \$341 for an employee who earns wages (or certain other amounts treated as wages) of at least \$8,525 during any such quarter; and beginning on or after ~~December 31, 2006~~ to rates ranging from \$53 for an employee who earns wages (or certain other amounts treated as wages) of at least \$1,325 during at least one quarter of the employee's base period to \$355 for an employee who earns wages (or certain other amounts treated as wages) of at least \$8,875 during any such quarter.

OTHER BENEFIT CHANGES***Failure to provide notification of absenteeism or tardiness***

Currently, if an employee is discharged for misconduct connected with his or her work — interpreted by the courts to include only misconduct that evinces willful or wanton disregard of the employer's interests or carelessness or negligence in the performance of duties to such degree or recurrence as to manifest culpability or wrongful intent or exhibit such behavior as to endanger the physical safety of persons on the work site — the employee is ineligible to receive benefits until seven weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages (or certain other amounts treated as wages) after the week in which the discharge occurs equal to at least 14 times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. In addition, all wages earned with the employer that discharges the employee are excluded in determining the amount of any future benefits to which the employee is entitled.

This bill provides that if an employee is discharged for failing to notify an employer of tardiness or absenteeism that becomes excessive, as defined in the bill, and the employer complies with requirements specified in the bill to provide notice

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to the employee, the employee is ineligible to receive benefits until six weeks have elapsed since the end of the week in which the discharge occurs, and the employee earns wages (or certain other amounts ~~treats~~ ^{treated} as wages) after the week in which the discharge occurs equal to at least six times the employee's weekly benefit rate in work covered by the unemployment insurance law of any state or the federal government. The ~~restriction~~ ^{disqualification} created by the bill applies in lieu of the current law governing eligibility for benefits after discharges in the situations to which the ~~restriction~~ ^{disqualification} applies.

Determination of wages for purposes of partial unemployment benefits

Under current law, with certain exceptions, if a claimant earns wages in a given week in employment covered by the unemployment insurance law, the first \$30 of the wages are disregarded and the claimant's weekly benefit payment is reduced by 67 percent of the remaining amount of wages earned. However, any amount that a claimant earns for services performed as a volunteer fire fighter, volunteer emergency medical technician, or volunteer first responder in any week does not reduce the claimant's benefit payment for that week. This bill discontinues the exclusion of amounts earned for volunteer fire fighter, volunteer emergency medical technician, and volunteer first responder services from partial unemployment benefit calculation. The bill also provides that wages earned in work not covered by the unemployment insurance law are included with other wages in calculating benefit reductions for partial unemployment benefits.

Benefit reductions due to certain suspensions, terminations, and leaves

Currently, if an employee is suspended from his or her employment, an employee is terminated by his or her employer because the employee is unable to perform or unavailable for suitable work otherwise available with the employee's employer, or an employee is granted family or medical leave, and the employee is unable to perform work or unavailable for suitable work after the suspension or termination, the employee is ineligible to receive benefits ~~for~~ ^{beginning with} the week in which the suspension or termination occurs or the leave begins. This bill provides instead that an employee who is suspended or terminated due to inability to perform work or unavailability for work or an employee who is granted family or medical leave is only ineligible to receive benefits ~~for~~ ^{beginning with} the portion of the week in which the employee was unable to perform work or unavailable for suitable work due to a suspension or termination.

Self-employment disqualification

Currently, an individual who is self-employed is not eligible for benefits for any week in which the individual has worked at the self-employment unless the individual establishes to the satisfaction of the Department of Workforce Development (DWD) that he or she has made an active and bona fide search for employment. DWD must prescribe work-search requirements by rule, and may waive those requirements under certain conditions. This bill deletes the self-employment disqualification, thereby making individuals who work at their self-employment subject to work-search requirements and waivers on the same basis as other claimants.

and for so long as the employee remains unable to perform work or unavailable for suitable work

BILL***Voluntary termination of work***

Currently, if an employee voluntarily terminates his or her work with an employer, the employee is generally ineligible to receive benefits until four weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision if the employee terminates his or her work with good cause attributable to his or her employer. In addition, an employee may voluntarily terminate his or her work and receive benefits without requalifying under this provision if the employee is transferred by his or her employer to work paying less than two-thirds of his or her immediately preceding wage rate with that employer, except that the employee is ineligible to receive benefits for the week of termination and the four next following weeks. This bill deletes the latter exception. Under the bill, if an employee's wages are substantially reduced by his or her employer, the employee may still be able to voluntarily terminate his or her employment and claim benefits without requalifying or waiting, if it is determined that the wage reduction constitutes good cause attributable to the employee's employer.

Employee status

Currently, to be eligible to claim benefits, an individual must, in addition to other requirements, be an "employee," as defined in the unemployment insurance law. Generally, an "employee" is an individual who performs services for an employer covered by the unemployment insurance law, whether or not the employer directly pays the individual. However, an individual is not an "employee" if the individual owns a business that operates as a sole proprietorship or if the individual is a partner in a business that operates as a partnership. This bill provides that these exclusions apply only with respect to services the individual performs for the sole proprietorship or partnership.

TAX CHANGES***Uncollectible reimbursable benefits***

Currently, an employer that is a nonprofit organization may, in lieu of paying regular contributions (taxes) to the unemployment reserve fund, elect to reimburse the fund for the cost of benefits charged to its account. If a nonprofit organization that has elected reimbursement financing fails to reimburse the fund for the cost of benefits charged to its account and DWD is unable to collect the amount due, together with any interest and penalties, the fund must absorb these costs. Employers that elect reimbursement financing do not contribute to the payment of these costs. This bill provides that if, as of June 30 of any year, there is a total of at least \$5,000 due from nonprofit organizations for reimbursements of benefits paid on their behalf that DWD has determined to be uncollectible, DWD must assess all employers that are nonprofit organizations and that have elected reimbursement financing, except Indian tribes, for these costs, but shall not assess more than a total of \$200,000 in any single year. Under the bill, assessments are applied by DWD to

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each employer's gross payroll at a rate determined by DWD to be sufficient to reimburse the fund for uncollectible reimbursements paid on behalf of employers that are nonprofit organizations. The bill provides that no assessments are payable based on reimbursements that DWD determined to be uncollectible prior to January 1, 2004.

Treatment of professional employer organizations

Currently, an employer is generally liable for contributions (taxes) or benefit reimbursements based on an individual's employment if the individual is subject to the employer's direction or control over the performance of the individual's services. However, if an individual performs services for a client of a professional employer organization under a contract, the organization is liable for contributions or benefit reimbursements based on those services under certain specified conditions. Currently, a "professional employer organization" is an organization that contracts to provide the nontemporary, ongoing workforce of a client. Under this bill, an organization may qualify as a "professional employer organization" only if it contracts to provide the nontemporary, ongoing workforce of more than one client, and the majority of the organization's clients are not under the same ownership, management, or control as the organization, other than through the terms of the contract.

OTHER CHANGES***Electronic reporting***

Currently, employers must file separate quarterly reports of contributions and wages with DWD. Employer agents that file contribution reports on behalf of 25 or more employers must file the reports using an electronic medium approved by DWD. Employers that employ 100 or more employees must also file quarterly wage reports using an electronic medium approved by DWD. This bill requires each employer of 50 or more employees that does not use an employer agent to file its contribution reports to file those contribution reports electronically using the Internet on a form prescribed by DWD. The bill requires each employer agent that prepares contribution reports on behalf of less than 25 employers to file those reports electronically using the Internet on a form prescribed by DWD. The bill requires all employer agents to file all wage reports electronically in the form prescribed by DWD. The bill also requires employers of 50 or more employees to file wage reports using an electronic medium approved by DWD. In addition, the bill makes an employer that is required to file its contribution reports electronically liable for a penalty of \$25 for each report that is not filed electronically in the form prescribed by DWD.

Successorship

Currently, if a business is transferred from one employer to another employer, the transferee may, under certain conditions, request that DWD treat it as a successor to the transferor for purposes of unemployment insurance experience, including contribution (tax) and benefit liability. DWD must treat the transferee as the successor to the transferor if the transferor and transferee are owned or controlled by the same interests. When a transferee is treated as a successor to a

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transferor, the contribution rates of the transferor and transferee are recomputed effective on January 1 of the year following the transfer. This bill requires DWD to treat the transferee as the successor to the transferor if the transferor and transferee are owned, controlled, or *managed* by the same interests. The bill also requires recomputation of the transferor's and transferee's contribution rates effective as of the beginning of the first quarter following the date of the transfer. The bill permits DWD to nullify a successorship if it finds that a substantial purpose of a business transfer was to obtain a reduced contribution rate for the transferee. In addition, the bill provides for punitive increases in contribution rates for employers, and creates both civil and criminal misdemeanor penalties for other persons, who knowingly make or attempt to make a false statement or representation to DWD in connection with an investigation to determine whether an employer qualifies to be considered a successor to the transferor of a business.

Coverage of certain employees engaged in food processing

Currently, an employee who is engaged in the processing of fresh fruits or vegetables is not entitled to receive benefits based upon that employment within the active processing season for the fruit or vegetable being processed, as defined by rule of DWD, unless 1) the employee earns sufficient wages to qualify for benefits based solely on work performed for the processing employer; or 2) in the four most recently completed quarters preceding the week in which the employee begins work for the processing employer, the employee earned at least \$200 for work covered by the unemployment insurance law of any state or the federal government that was performed for another employer. However, employers that provide food processing services are subject to contribution requirements (the requirement to pay taxes) based upon these services. This bill deletes this coverage exclusion. Under the bill, claimants are eligible to claim benefits based upon the performance of food processing services.

Coverage of certain AmeriCorps employees

Currently, employees performing services for the federal AmeriCorps program are generally covered under the unemployment insurance law. This bill eliminates coverage for those services, except for services performed as a part of a professional corps program in which a public or private nonprofit employer pays the entire salaries of the employees. Under the bill, employers that provide these services are no longer subject to contribution requirements based upon these services, and claimants are no longer eligible to claim benefits based upon the performance of these services.

Failure of employers to provide information

Currently, if benefits are erroneously paid because an employer fails to provide correct and complete information on a report to DWD, any benefits that DWD recovers do not affect charges to the employer's account for the cost of those benefits. The bill provides, in addition, that during the period beginning on January 1, 2006, and ending on June 28, 2008, if benefits are erroneously paid because an employer fails to provide correct and complete information requested by DWD during a fact-finding investigation, but the employer later provides the requested information, then charges to the employer's account for the cost of benefits paid

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before the end of the week in which a redetermination or a decision of an appeal tribunal (hearing examiner) is issued regarding the matter are not affected by the redetermination or decision unless an appeal tribunal, the labor and industry review commission, or a court finds that the employer had good cause for failing to provide the information.

Suspension of agents

Currently, DWD may suspend the privilege of any agent to appear before DWD at hearings under the unemployment insurance law for a specified period if DWD finds that the agent has engaged in an act of fraud or misrepresentation, has repeatedly failed to comply with rules of DWD, or has engaged in solicitation of a claimant solely for the purpose of appearing at a hearing as the claimant's representative for pay. This bill permits DWD also to suspend the privilege of an agent to act as an employer's representative under the unemployment insurance law for up to one year if, during any 12-month period, in 5 percent or more of all hearings held in which employers represented by the agent are appellants there is a final decision finding that the employer represented by the agent failed to provide correct and complete information requested by DWD during a fact-finding investigation and there is no finding that the employer had good cause for that failure.

Issuance of warrants against certain individuals

Currently, under certain conditions, an individual who holds at least 20 percent of the ownership interest in a corporation or limited liability company may be found to be personally liable for unemployment insurance liabilities of the corporation or company. Currently, if an employer has delinquent unemployment insurance liabilities, DWD may issue a warrant and file it with the clerk of circuit court for any county where real or personal property of the employer is found. The warrant constitutes a lien upon the property and is subject to execution through sale of the property. This bill provides that DWD may issue a warrant for the collection of any unemployment insurance liabilities for which an individual is found to be personally liable.

Unemployment insurance law enforcement

This bill provides funding for 0.5 FTE assistant attorney general position in the Department of Justice (DOJ), funded from revenues received by DWD as interest and penalties for violations of the unemployment insurance law, to assist in the investigation and prosecution of noncompliance with the unemployment insurance law. The bill also authorizes DOJ to prosecute violations of the unemployment insurance law. Currently, the law is enforced by DWD and the district attorneys.

Administration funding

Currently, the federal government provides regular grants to this state for the purpose of financing the cost of unemployment insurance administration. In addition, the federal government provides special grants to this state that may be used for the purpose of unemployment insurance administration, for the payment of unemployment insurance benefits, or for certain other purposes.

Currently, only the first \$2,389,107 of the moneys in a special grant for federal fiscal year 2002 may be used for unemployment insurance administration. This bill

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permits an additional \$1,000,000 of the moneys received in the special grant for federal fiscal year 2002 to be used for unemployment insurance administration. The bill further provides that none of the moneys in any special federal grant for federal fiscal years 2000, 2001, or 2002 may be encumbered or expended after September 30, 2007. The changes potentially increase the liability of employers to finance unemployment insurance benefits through contributions (taxes).

Use of special federal grants

Currently, from the special grants received by this state from the federal government for unemployment insurance purposes, special sum certain appropriations are made for information technology systems development, the apprenticeship program, and payment of bank service costs. If the treasurer of the unemployment reserve fund determines that these moneys are more than sufficient for these purposes, the treasurer must transfer any excess moneys in these appropriation accounts to the main account to which federal unemployment insurance revenues are credited. This bill eliminates the requirement for the treasurer to make these transfers.

Treatment of limited liability companies

Currently, DWD treats a limited liability company as a corporation if the company files an election with the federal Internal Revenue Service to be so treated for federal tax purposes and files proof with DWD that the Internal Revenue Service has agreed to so treat the company. The treatment may affect the taxation of the wages paid to principal officers of the company and their eligibility for benefits. For benefit purposes, a change is effective on the same date that the Internal Revenue Service agrees to treat the company as a corporation or the date that proof of such treatment is filed with DWD, whichever is later. Under this bill, a change applies to benefit years (periods during which benefits are potentially payable) in existence on or beginning on or after the date that the federal Internal Revenue Service treats the company as a corporation for federal tax purposes if the benefit year to which the treatment is to be applied has not ended on the date that DWD first receives notice of a benefit eligibility issue that relates to treatment of that limited liability company.

Administrative levy fees

Currently, DWD may proceed against any third party that has in its possession property that is subject to levy for payment of delinquent contributions or penalties administratively assessed by DWD, or for repayment of benefit overpayments. The third party may deduct and retain a fee of \$5 from the amount collected in payment of the fee. This bill entitles a third party to collect and retain a levy fee of \$5 for each levy in which a debt is satisfied by means of a single payment and \$15 for each levy in which a debt is satisfied by means of more than one payment. Under the bill, the fee is payable from the property levied against and is in addition to the amount of the levy.

Enforcement of assessments against imposters

Currently, if any person makes a false statement or representation to obtain benefits in the name of another person, DWD may, by administrative action or by decision in an administrative proceeding, require the person to repay the benefits

(Woff) The bill also makes a corresponding change to the treatment of a limited liability company that is treated as a corporation if the company elects instead to be treated as a partnership or sole proprietorship and the company files the appropriate election and proof of federal treatment.

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and may also penalize the person by levying an assessment against him or her in an amount not greater than 50 percent of the benefits wrongfully obtained. One of the ways by which DWD may collect such an assessment is to offset the amount of the assessment against any benefits that would otherwise be payable to the person. This process is called recoupment. This bill deletes the authority of DWD to collect these assessments by means of recoupment.

Admission of employment data system reports

Currently, the contents of a verified or certified report by a qualified expert presented by a party or DWD at an administrative hearing in a benefit claim case is prima facie evidence of the matter contained in the report if the report is otherwise competent and relevant, subject to rules as DWD prescribes. If a report is accepted as prima facie evidence of the matter contained in the report, it is not necessary to present testimony of the expert who created the report in order to admit the report into evidence.

This bill provides that if DWD maintains a database system consisting of occupational information and employment conditions data and an employee of DWD creates a report from the system, the report also constitutes prima facie evidence as to the matters contained in the report in an administrative hearing on a benefit claim if DWD first provides to the parties an explanation of the system, the parties have an opportunity to review and object to the report, and the report sets forth all information used in creating the report ~~and contains information that can be used to identify the departmental employee who created the report.~~

Charging of certain benefits for claimants enrolled in approved training

Under current law, if a claimant who is enrolled in employment-related training approved by DWD is paid benefits for which the claimant would otherwise be ineligible because the claimant has terminated his or her work or failed to accept suitable work or recall to work and is unable to work or unavailable for work or has failed to meet work search requirements, the costs of the benefits is charged to the balancing account of the unemployment reserve fund (which is financed from contributions of all employers that are subject to a requirement to pay contributions) instead of to the account or accounts of the claimant's employer or employers. This bill specifically applies this noncharging procedure only with respect to an employer from which the claimant terminated his or her work or refused to accept a recall to work.

Study of unemployment reserve fund

This bill directs DWD and the Council on Unemployment Insurance to study the long-term fiscal stability of the unemployment reserve fund. The bill directs DWD and the council to report the results of their study to the governor and the appropriate standing committees of the legislature no later than July 1, 2007.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				2005–06	2006–07
20.445	Workforce development, department of				
(1)	WORKFORCE DEVELOPMENT				
(gi)	Unemployment insurance law				
	enforcement	PR	C	18,300	36,500

SECTION 2. 20.445 (1) (gd) of the statutes is amended to read:

20.445 (1) (gd) *Unemployment interest and penalty payments.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and (cm) and 108.22, assessments under s. 108.19 (1m), and forfeitures under s. 103.05 (5), all moneys not appropriated under pars. (ge), (gf) and, (gg), and (gi), and all moneys transferred to this appropriation account from the appropriation account under par. (gh) for the payment of benefits specified in s. 108.07 (5) and 1987 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under s. 108.17 (3m), for the payment of interest due on advances from the federal unemployment account under title XII of the social security act to the unemployment reserve fund, and for payments made to the unemployment reserve fund to obtain a lower interest rate or deferral of interest payments on these advances, except as otherwise provided in s. 108.20.

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1 **SECTION 3.** 20.445 (1) (gi) of the statutes is created to read:

2 20.445 (1) (gi) *Unemployment insurance law enforcement.* From the moneys
3 received as interest and penalties collected under ss. 108.04 (11) (c) and (cm) and (13)
4 (c) and 108.22, as a continuing appropriation, the amounts in the schedule for the
5 purpose of assisting the department of justice in the enforcement of ch. 108.

6 **SECTION 4.** 20.445 (1) (nb) of the statutes is amended to read:

7 20.445 (1) (nb) *Unemployment administration; information technology*
8 *systems; federal moneys.* From the moneys received from the federal government
9 under section 903 (d) of the federal Social Security Act, as amended, as a continuing
10 appropriation, the amounts in the schedule, as authorized by the governor under s.
11 16.54, for the purpose specified in s. 108.19 (1e) (d). All moneys transferred from par.
12 (n) for this purpose shall be credited to this appropriation account. Notwithstanding
13 s. 20.001 (3) (a), the treasurer of the unemployment reserve fund shall transfer any
14 unencumbered balance in this appropriation account that is not needed or available
15 to carry out the purpose of this appropriation to the appropriation account under par.
16 (n). No moneys may be expended from this appropriation unless the treasurer of the
17 unemployment reserve fund determines that such expenditure is currently needed
18 for the purpose specified in s. 108.19 (1e) (d).

19 **SECTION 5.** 20.445 (1) (nc) of the statutes is amended to read:

20 20.445 (1) (nc) *Unemployment insurance administration; special federal*
21 *moneys.* All moneys received from the federal government under section 903 of the
22 federal Social Security Act, as amended, for federal fiscal years 2000 and 2001 and
23 the first \$2,289,107 \$3,289,107 of the moneys received from the federal government
24 under that act for federal fiscal year 2002, as authorized by the governor under s.

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SECTION 5

1 16.54, to be used for administration of unemployment insurance. No moneys may
2 be encumbered or expended from this appropriation after September 30, 2007.

3 **SECTION 6.** 20.445 (1) (nd) of the statutes is amended to read:

4 20.445 (1) (nd) *Unemployment insurance administration; apprenticeship.*

5 From the moneys received from the federal government under section 903 (d) of the
6 federal Social Security Act, as amended, the amounts in the schedule, as authorized
7 by the governor under s. 16.54, to be used for administration by the department of
8 apprenticeship programs under subch. I of ch. 106. All moneys transferred from par.
9 (n) for this purpose shall be credited to this appropriation account. ~~Notwithstanding~~
10 ~~s. 20.001 (3) (a), the treasurer of the unemployment reserve fund shall transfer any~~
11 ~~unencumbered balance in this appropriation account that is not needed or available~~
12 ~~to carry out the purpose of this appropriation to the appropriation account under par.~~
13 ~~(n).~~ No moneys may be expended from this appropriation unless the treasurer of the
14 unemployment reserve fund determines that such expenditure is currently needed
15 for the purpose specified in this paragraph.

16 **SECTION 7.** 20.445 (1) (ne) of the statutes is amended to read:

17 20.445 (1) (ne) *Unemployment administration; bank service costs.* From the
18 moneys received by this state under section 903 (d) of the federal Social Security Act,
19 as amended, all moneys transferred from the appropriation account under par. (n)
20 to be used for the payment of the cost of banking services incurred by the
21 unemployment reserve fund. ~~Notwithstanding s. 20.001 (3) (c), the treasurer of the~~
22 ~~unemployment reserve fund shall transfer any unencumbered balance in this~~
23 ~~appropriation account that is not needed or available to carry out the purpose of this~~
24 ~~appropriation to the appropriation account under par. (n).~~ No moneys may be
25 expended from this appropriation unless the treasurer of the unemployment reserve

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1 fund determines that such expenditure is currently needed for the purpose specified
2 in this paragraph.

3 **SECTION 8.** 108.02 (12) (a) of the statutes is amended to read:

4 108.02 (12) (a) "Employee" means any individual who is or has been performing
5 services for pay for an employing unit, ~~in an employment~~, whether or not the
6 individual is paid directly by ~~such~~ the employing unit; ~~except as provided in par. (b),~~
7 (bm), (c), (d), (dm) or (dn). *(Strike) 5 (Strike)*

8 **SECTION 9.** 108.02 (12) (dm) of the statutes is amended to read:

9 108.02 (12) (dm) Paragraph (a) does not apply to an individual who owns a
10 business that operates as a sole proprietorship with respect to services the individual
11 performs for that business.

12 **SECTION 10.** 108.02 (12) (dn) of the statutes is amended to read:

13 108.02 (12) (dn) Paragraph (a) does not apply to a partner in a business that
14 operates as a partnership with respect to services the partner performs for that
15 business.

16 **SECTION 11.** 108.02 (15) (j) 5. and 6. of the statutes are amended to read:

17 108.02 (15) (j) 5. In any quarter in the employ of any organization exempt from
18 federal income tax under section 501 (a) of the internal revenue code, other than an
19 organization described in section 401 (a) or 501 (c) (3) of such code, or under section
20 521 of the internal revenue code, if the remuneration for such service is less than \$50;
21 or

22 6. By a nonresident alien for the period that he or she is temporarily present
23 in the United States as a nonimmigrant under 8 USC 1101 (a) (15) (F), (J), (M), or
24 (Q), if the service is performed to carry out the purpose for which the alien is admitted
25 to the United States, as provided in 8 USC 1101 (a) (15) (F), (J), (M), or (Q), or by the

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SECTION 11

1 spouse or minor child of such an alien if the spouse or child was also admitted to the
2 United States under 8 USC 1101 (a) (15) (F), (J), (M), or (Q) for the same purpose;
3 or

4 **SECTION 12.** 108.02 (15) (j) 7. of the statutes is created to read:

5 108.02 (15) (j) 7. By an individual who is a participant in the AmeriCorps
6 program, except service performed pursuant to a professional corps program as
7 described in 42 USC 12572 (a) (8).

8 **SECTION 13.** 108.02 (15) (k) 14. of the statutes is repealed.

9 Insert 14-8 →

SECTION 14. 108.02 (21) (a) (intro.) of the statutes is amended to read:

10 108.02 (21) (a) (intro.) "Payroll" Except as provided in s. 108.151 (7) (a),
11 "payroll" means all wages paid directly or indirectly by an employer within a certain
12 period to individuals with respect to their employment by that employer, and
13 includes all such wages for work which is excluded under sub. (15) (k) if the wages
14 paid for such work:

15 **SECTION 15.** 108.02 (21e) (intro.) and (b) of the statutes are amended to read:

16 108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) "Professional
17 employer organization" means any person who contracts to provide the
18 nontemporary, ongoing employee workforce of a client more than one client under
19 a written leasing contract, the majority of whose clients are not under the same
20 ownership, management, or control as the person other than through the terms of
21 the contract, and who under contract and in fact:

22 (b) Sets the rate of pay of the employees, whether or not through negotiations
23 and whether or not the responsibility to set the rate of pay is shared with the client;

24 **SECTION 16.** 108.04 (1) (b) 1. of the statutes is amended to read:

BILL

1 108.04 (1) (b) 1. While the employee is unable to work, or unavailable for work,
2 if his or her employment with an employer was suspended by the employee or by the
3 employer or was terminated by the employer because the employee was unable to do,
4 or unavailable for, suitable work otherwise available with the employer, except as
5 provided in par. (c);

6 **SECTION 17.** 108.04 (1) (b) 3. (intro.) of the statutes is amended to read:

7 108.04 (1) (b) 3. While the employee is on family or medical leave under the
8 federal family and medical leave act of 1993 (P.L. 103–3) or s. 103.10, and except as
9 provided in par. (c), until whichever of the following occurs first:

10 **SECTION 18.** 108.04 (1) (c) of the statutes is amended to read:

11 108.04 (1) (c) If a leave of absence under par. (b) 2. or a family or medical leave
12 under par. (b) 3. is granted to an employee for a portion of a week, if an employee is
13 absent for only a portion of the available work in a week due to a suspension under
14 par. (b) 1., or if an employee is absent for only a portion of the available work in a week
15 in which a termination under par. (b) 1. occurs, the employee's eligibility for benefits
16 for that partial week shall be reduced by the amount of wages that the employee
17 could have earned in his or her work had the leave not been granted or had the
18 suspension or termination not occurred. For purposes of this paragraph, the
19 department shall treat the amount the employee would have earned as wages in that
20 work for that week as wages earned by the employee and shall apply the method
21 specified in s. 108.05 (3) (a) to compute the benefits payable to the employee. The
22 department shall estimate the wages that an employee would have earned for a
23 partial week if it is not possible to compute the exact amount of wages that the
24 employee would have earned for that partial week.

25 **SECTION 19.** 108.04 (1) (e) of the statutes is repealed.

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SECTION 20

1 **SECTION 20.** 108.04 (5) of the statutes is amended to read:

2 108.04 (5) DISCHARGE FOR MISCONDUCT. ~~An~~ Unless sub. (5g) applies, an
3 employee whose work is terminated by an employing unit for misconduct connected
4 with the employee's work is ineligible to receive benefits until 7 weeks have elapsed
5 since the end of the week in which the discharge occurs and the employee earns
6 wages after the week in which the discharge occurs equal to at least 14 times the
7 employee's weekly benefit rate under s. 108.05 (1) in employment or other work
8 covered by the unemployment insurance law of any state or the federal government.
9 For purposes of requalification, the employee's weekly benefit rate shall be that rate
10 which would have been paid had the discharge not occurred. The wages paid to an
11 employee by an employer which terminates employment of the employee for
12 misconduct connected with the employee's employment shall be excluded from the
13 employee's base period wages under s. 108.06 (1) for purposes of benefit entitlement.
14 This subsection does not preclude an employee who has employment with an
15 employer other than the employer which terminated the employee for misconduct
16 from establishing a benefit year using the base period wages excluded under this
17 subsection if the employee qualifies to establish a benefit year under s. 108.06 (2) (a).
18 The department shall charge to the fund's balancing account any benefits otherwise
19 chargeable to the account of an employer that is subject to the contribution
20 requirements under ss. 108.17 and 108.18 from which base period wages are
21 excluded under this subsection.

22 **SECTION 21.** 108.04 (7) (f) of the statutes is repealed.

23 **SECTION 22.** 108.04 (13) (c) of the statutes is amended to read:

24 108.04 (13) (c) If an employer, after notice of a benefit claim, fails to file an
25 objection to the claim under s. 108.09 (1), any benefits allowable under any resulting

from
pp. 46-48

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1 benefit computation shall, unless the department applies a provision of this chapter
2 to disqualify the claimant, be promptly paid. Except as otherwise provided in this
3 paragraph, any eligibility question in objection to the claim raised by the employer
4 after benefit payments to the claimant are commenced does not affect benefits paid
5 prior to the end of the week in which a determination is issued as to the eligibility
6 question unless the benefits are erroneously paid without fault on the part of the
7 employer. If, during the period beginning on January 1, 2006, and ending on June
8 28, 2008, an employer fails to provide correct and complete information requested by
9 the department during a fact-finding investigation, but later provides the requested
10 information, charges to the employer's account for benefits paid prior to the end of
11 the week in which a redetermination is issued regarding the matter or, if no
12 redetermination is issued, prior to the end of the week in which an appeal tribunal
13 decision is issued regarding the matter, are not affected by the redetermination or
14 decision, except as provided in par. (g). If benefits are erroneously paid because the
15 employer and the employee are at fault, the department shall charge the employer
16 for the benefits and proceed to create an overpayment under s. 108.22 (8) (a). If
17 benefits are erroneously paid without fault on the part of the employer, regardless
18 of whether the employee is at fault, the department shall charge the benefits as
19 provided in par. (d), unless par. (e) applies, and proceed to create an overpayment
20 under s. 108.22 (8) (a). If benefits are erroneously paid because an employer is at
21 fault and the department recovers the benefits erroneously paid under s. 108.22 (8),
22 the recovery does not affect benefit charges made under this paragraph.

23 **SECTION 23.** 108.04 (13) (e) of the statutes is amended to read:

24 108.04 (13) (e) If the department erroneously pays benefits from one
25 employer's account and a 2nd employer is at fault, the department shall credit the

BILL**SECTION 23**

benefits paid to the first employer's account and charge the benefits paid to the 2nd employer's account. Filing of a tardy or corrected report or objection does not affect the 2nd employer's liability for benefits paid prior to the end of the week in which the department makes a recomputation of the benefits allowable or prior to the end of the week in which the department issues a determination concerning any eligibility question raised by the report or by the 2nd employer. If, during the period beginning on January 1, 2006, and ending on June 28, 2008, the 2nd employer fails to provide correct and complete information requested by the department during a fact-finding investigation, but later provides the requested information, the department shall charge to the account of the 2nd employer the cost of benefits paid prior to the end of the week in which a redetermination is issued regarding the matter or, if no redetermination is issued, prior to the end of the week in which an appeal tribunal decision is issued regarding the matter, except as provided in par. (g). If the department recovers the benefits erroneously paid under s. 108.22 (8), the recovery does not affect benefit charges made under this paragraph.

SECTION 24. 108.04 (13) (g) of the statutes is created to read:

108.04 (13) (g) During the period beginning on January 1, 2006, and ending on June 28, 2008, if benefits are erroneously paid because an employer fails to provide correct and complete information requested by the department during a fact-finding investigation, the employer is at fault unless an appeal tribunal, the commission, or a court of competent jurisdiction finds that the employer had good cause for the failure to provide the information.

SECTION 25. 108.04 (16) (b) of the statutes is amended to read:

108.04 (16) (b) The department shall not apply any benefit disqualification under sub. (1) (b) 1., ~~(2) (a) or (d)~~, (7) (c), or (8) (e) or s. 108.141 (3g) that is not the

BILL

1 result of training or basic education under par. (a) while an individual is enrolled in
2 a course of training or education that meets the standards specified in par. (a).

3 **SECTION 26.** 108.04 (16) (c) 2. of the statutes is amended to read:

4 108.04 (16) (c) 2. The department shall not apply benefit disqualifications
5 under sub. (1) (b) 1., ~~(2) (a) or (d)~~, (7) (c), or (8) (e) or s. 108.141 (3g) that are not the
6 result of the training while the individual is enrolled in the training.

7 **SECTION 27.** 108.05 (1) (j) to (m) of the statutes are repealed.

8 **SECTION 28.** 108.05 (1) (n) (intro.) of the statutes is amended to read:

9 108.05 (1) (n) (intro.) Each eligible employee shall be paid benefits for each
10 week of total unemployment which commences on or after December 29, 2002, and
11 before January 1, 2006, at the weekly benefit rate specified in this paragraph.
12 Unless sub. (1m) applies, the weekly benefit rate shall equal 4% of the employee's
13 base period wages which were paid during that quarter of the employee's base period
14 in which the employee was paid the highest total wages, rounded down to the nearest
15 whole dollar, except that, if that amount is less than the minimum amount shown
16 in the following schedule, no benefits are payable to the employee and, if that amount
17 is more than the maximum amount shown in the following schedule, the employee's
18 weekly benefit rate shall be the maximum amount shown in the following schedule
19 and except that, if the employee's benefits are exhausted during any week under s.
20 108.06 (1), the employee shall be paid the remaining amount of benefits payable to
21 the employee in lieu of the amount shown in the following schedule: [See Figure
22 108.05 (1) (n) following]

23 **SECTION 29.** 108.05 (1) (o) and (p) of the statutes are created to read:

24 108.05 (1) (o) Each eligible employee shall be paid benefits for each week of
25 total unemployment that commences on or after January 1, 2006 and before

BILL

SECTION 29

January 7, 2007
 ① ~~December 31, 2006~~, at the weekly benefit rate specified in this paragraph. Unless
 2 sub. (1m) applies, the weekly benefit rate shall equal 4 percent of the employee's base
 3 period wages that were paid during that quarter of the employee's base period in
 4 which the employee was paid the highest total wages, rounded down to the nearest
 5 whole dollar, except that, if that amount is less than the minimum amount shown
 6 in the following schedule, no benefits are payable to the employee and, if that amount
 7 is more than the maximum amount shown in the following schedule, the employee's
 8 weekly benefit rate shall be the maximum amount shown in the following schedule
 9 and except that, if the employee's benefits are exhausted during any week under s.
 10 108.06 (1), the employee shall be paid the remaining amount of benefits payable to
 11 the employee in lieu of the amount shown in the following schedule: [See Figure
 12 108.05 (1) (o) following]

Figure 108.05 (1) (o):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
1.	Under \$1,275.00	\$ 0
2.	1,275.00 to 1,299.99	51
3.	1,300.00 to 1,324.99	52
4.	1,325.00 to 1,349.99	53
5.	1,350.00 to 1,374.99	54
6.	1,375.00 to 1,399.99	55
7.	1,400.00 to 1,424.99	56

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8.	1,425.00	to	1,449.99	57
9.	1,450.00	to	1,474.99	58
10.	1,475.00	to	1,499.99	59
11.	1,500.00	to	1,524.99	60
12.	.....	1,525.00	to	1,549.99	.....	61
13.	.....	1,550.00	to	1,574.99	.....	62
14.	.....	1,575.00	to	1,599.99	.....	63
15.	.....	1,600.00	to	1,624.99	.....	64
16.	.....	1,625.00	to	1,649.99	.....	65
17.	.....	1,650.00	to	1,674.99	.....	66
18.	.....	1,675.00	to	1,699.99	.....	67
19.	.....	1,700.00	to	1,724.99	.....	68
20.	.....	1,725.00	to	1,749.99	.....	69
21.	.....	1,750.00	to	1,774.99	.....	70
22.	.....	1,775.00	to	1,799.99	.....	71
23.	.....	1,800.00	to	1,824.99	.....	72
24.	.....	1,825.00	to	1,849.99	.....	73
25.	.....	1,850.00	to	1,874.99	.....	74
26.	.....	1,875.00	to	1,899.99	.....	75
27.	.....	1,900.00	to	1,924.99	.....	76
28.	.....	1,925.00	to	1,949.99	.....	77
29.	.....	1,950.00	to	1,974.99	.....	78
30.	.....	1,975.00	to	1,999.99	.....	79
31.	.....	2,000.00	to	2,024.99	.....	80

BILL**SECTION 29**

32.	.....	2,025.00	to	2,049.99	.....	81
33.	.....	2,050.00	to	2,074.99	.....	82
34.	.....	2,075.00	to	2,099.99	.....	83
35.	.....	2,100.00	to	2,124.99	.....	84
36.	.....	2,125.00	to	2,149.99	.....	85
37.	.....	2,150.00	to	2,174.99	.....	86
38.	.....	2,175.00	to	2,199.99	.....	87
39.	.....	2,200.00	to	2,224.99	.....	88
40.	.....	2,225.00	to	2,249.99	.....	89
41.	.....	2,250.00	to	2,274.99	.....	90
42.	.....	2,275.00	to	2,299.99	.....	91
43.	.....	2,300.00	to	2,324.99	.....	92
44.	.....	2,325.00	to	2,349.99	.....	93
45.	.....	2,350.00	to	2,374.99	.....	94
46.	.....	2,375.00	to	2,399.99	.....	95
47.	.....	2,400.00	to	2,424.99	.....	96
48.	.....	2,425.00	to	2,449.99	.....	97
49.	.....	2,450.00	to	2,474.99	.....	98
50.	.....	2,475.00	to	2,499.99	.....	99
51.	.....	2,500.00	to	2,524.99	.....	100
52.	2,525.00	to	2,549.99	101
53.	2,550.00	to	2,574.99	102
54.	2,575.00	to	2,599.99	103
55.	2,600.00	to	2,624.99	104

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56.	2,625.00	to	2,649.99	105
57.	2,650.00	to	2,674.99	106
58.	2,675.00	to	2,699.99	107
59.	2,700.00	to	2,724.99	108
60.	.....	2,725.00	to	2,749.99	.....	109
61.	.....	2,750.00	to	2,774.99	.....	110
62.	.....	2,775.00	to	2,799.99	.....	111
63.	.....	2,800.00	to	2,824.99	.....	112
64.	.....	2,825.00	to	2,849.99	.....	113
65.	.....	2,850.00	to	2,874.99	.....	114
66.	.....	2,875.00	to	2,899.99	.....	115
67.	.....	2,900.00	to	2,924.99	.....	116
68.	.....	2,925.00	to	2,949.99	.....	117
69.	.....	2,950.00	to	2,974.99	.....	118
70.	.....	2,975.00	to	2,999.99	.....	119
71.	.....	3,000.00	to	3,024.99	.....	120
72.	.....	3,025.00	to	3,049.99	.....	121
73.	.....	3,050.00	to	3,074.99	.....	122
74.	.....	3,075.00	to	3,099.99	.....	123
75.	.....	3,100.00	to	3,124.99	.....	124
76.	3,125.00	to	3,149.99	125
77.	3,150.00	to	3,174.99	126
78.	3,175.00	to	3,199.99	127
79.	3,200.00	to	3,224.99	128

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80.	3,225.00	to	3,249.99	129
81.	3,250.00	to	3,274.99	130
82.	3,275.00	to	3,299.99	131
83.	3,300.00	to	3,324.99	132
84.	.....	3,325.00	to	3,349.99	.....	133
85.	.....	3,350.00	to	3,374.99	.....	134
86.	.....	3,375.00	to	3,399.99	.....	135
87.	.....	3,400.00	to	3,424.99	.....	136
88.	.....	3,425.00	to	3,449.99	.....	137
89.	.....	3,450.00	to	3,474.99	.....	138
90.	.....	3,475.00	to	3,499.99	.....	139
91.	.....	3,500.00	to	3,524.99	.....	140
92.	.....	3,525.00	to	3,549.99	.....	141
93.	.....	3,550.00	to	3,574.99	.....	142
94.	.....	3,575.00	to	3,599.99	.....	143
95.	.....	3,600.00	to	3,624.99	.....	144
96.	.....	3,625.00	to	3,649.99	.....	145
97.	.....	3,650.00	to	3,674.99	.....	146
98.	.....	3,675.00	to	3,699.99	.....	147
99.	.....	3,700.00	to	3,724.99	.....	148
100.	.....	3,725.00	to	3,749.99	.....	149
101.	3,750.00	to	3,774.99	150
102.	3,775.00	to	3,799.99	151
103.	3,800.00	to	3,824.99	152

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104.	3,825.00	to	3,849.99	153
105.	3,850.00	to	3,874.99	154
106.	3,875.00	to	3,899.99	155
107.	3,900.00	to	3,924.99	156
108.	.....	3,925.00	to	3,949.99	.....	157
109.	.....	3,950.00	to	3,974.99	.....	158
110.	.....	3,975.00	to	3,999.99	.....	159
111.	.....	4,000.00	to	4,024.99	.....	160
112.	.....	4,025.00	to	4,049.99	.....	161
113.	.....	4,050.00	to	4,074.99	.....	162
114.	.....	4,075.00	to	4,099.99	.....	163
115.	.....	4,100.00	to	4,124.99	.....	164
116.	.....	4,125.00	to	4,149.99	.....	165
117.	.....	4,150.00	to	4,174.99	.....	166
118.	.....	4,175.00	to	4,199.99	.....	167
119.	.....	4,200.00	to	4,224.99	.....	168
120.	.....	4,225.00	to	4,249.99	.....	169
121.	.....	4,250.00	to	4,274.99	.....	170
122.	.....	4,275.00	to	4,299.99	.....	171
123.	.....	4,300.00	to	4,324.99	.....	172
124.	.....	4,325.00	to	4,349.99	.....	173
125.	4,350.00	to	4,374.99	174
126.	4,375.00	to	4,399.99	175
127.	4,400.00	to	4,424.99	176

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128.	4,425.00	to	4,449.99	177
129.	4,450.00	to	4,474.99	178
130.	4,475.00	to	4,499.99	179
131.	4,500.00	to	4,524.99	180
132.	.....	4,525.00	to	4,549.99	.....	181
133.	.....	4,550.00	to	4,574.99	.....	182
134.	.....	4,575.00	to	4,599.99	.....	183
135.	.....	4,600.00	to	4,624.99	.....	184
136.	.....	4,625.00	to	4,649.99	.....	185
137.	.....	4,650.00	to	4,674.99	.....	186
138.	.....	4,675.00	to	4,699.99	.....	187
139.	.....	4,700.00	to	4,724.99	.....	188
140.	.....	4,725.00	to	4,749.99	.....	189
141.	.....	4,750.00	to	4,774.99	.....	190
142.	.....	4,775.00	to	4,799.99	.....	191
143.	.....	4,800.00	to	4,824.99	.....	192
144.	.....	4,825.00	to	4,849.99	.....	193
145.	.....	4,850.00	to	4,874.99	.....	194
146.	.....	4,875.00	to	4,899.99	.....	195
147.	.....	4,900.00	to	4,924.99	.....	196
148.	.....	4,925.00	to	4,949.99	.....	197
149.	4,950.00	to	4,974.99	198
150.	4,975.00	to	4,999.99	199
151.	5,000.00	to	5,024.99	200

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152.	5,025.00	to	5,049.99	201
153.	5,050.00	to	5,074.99	202
154.	5,075.00	to	5,099.99	203
155.	5,100.00	to	5,124.99	204
156.	.....	5,125.00	to	5,149.99	.....	205
157.	.....	5,150.00	to	5,174.99	.....	206
158.	.....	5,175.00	to	5,199.99	.....	207
159.	.....	5,200.00	to	5,224.99	.....	208
160.	.....	5,225.00	to	5,249.99	.....	209
161.	.....	5,250.00	to	5,274.99	.....	210
162.	.....	5,275.00	to	5,299.99	.....	211
163.	.....	5,300.00	to	5,324.99	.....	212
164.	.....	5,325.00	to	5,349.99	.....	213
165.	.....	5,350.00	to	5,374.99	.....	214
166.	.....	5,375.00	to	5,399.99	.....	215
167.	.....	5,400.00	to	5,424.99	.....	216
168.	.....	5,425.00	to	5,449.99	.....	217
169.	.....	5,450.00	to	5,474.99	.....	218
170.	.....	5,475.00	to	5,499.99	.....	219
171.	.....	5,500.00	to	5,524.99	.....	220
172.	.....	5,525.00	to	5,549.99	.....	221
173.	5,550.00	to	5,574.99	222
174.	5,575.00	to	5,599.99	223
175.	5,600.00	to	5,624.99	224

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176.	5,625.00	to	5,649.99	225
177.	5,650.00	to	5,674.99	226
178.	5,675.00	to	5,699.99	227
179.	5,700.00	to	5,724.99	228
180.	.....	5,725.00	to	5,749.99	.....	229
181.	.....	5,750.00	to	5,774.99	.....	230
182.	.....	5,775.00	to	5,799.99	.....	231
183.	.....	5,800.00	to	5,824.99	.....	232
184.	.....	5,825.00	to	5,849.99	.....	233
185.	.....	5,850.00	to	5,874.99	.....	234
186.	.....	5,875.00	to	5,899.99	.....	235
187.	.....	5,900.00	to	5,924.99	.....	236
188.	.....	5,925.00	to	5,949.99	.....	237
189.	.....	5,950.00	to	5,974.99	.....	238
190.	.....	5,975.00	to	5,999.99	.....	239
191.	.....	6,000.00	to	6,024.99	.....	240
192.	.....	6,025.00	to	6,049.99	.....	241
193.	.....	6,050.00	to	6,074.99	.....	242
194.	.....	6,075.00	to	6,099.99	.....	243
195.	.....	6,100.00	to	6,124.99	.....	244
196.	.....	6,125.00	to	6,149.99	.....	245
197.	6,150.00	to	6,174.99	246
198.	6,175.00	to	6,199.99	247
199.	6,200.00	to	6,224.99	248

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200.	6,225.00	to	6,249.99	249
201.	6,250.00	to	6,274.99	250
202.	6,275.00	to	6,299.99	251
203.	6,300.00	to	6,324.99	252
204.	.....	6,325.00	to	6,349.99	.....	253
205.	.....	6,350.00	to	6,374.99	.....	254
206.	.....	6,375.00	to	6,399.99	.....	255
207.	.....	6,400.00	to	6,424.99	.....	256
208.	.....	6,425.00	to	6,449.99	.....	257
209.	.....	6,450.00	to	6,474.99	.....	258
210.	.....	6,475.00	to	6,499.99	.....	259
211.	.....	6,500.00	to	6,524.99	.....	260
212.	.....	6,525.00	to	6,549.99	.....	261
213.	.....	6,550.00	to	6,574.99	.....	262
214.	.....	6,575.00	to	6,599.99	.....	263
215.	.....	6,600.00	to	6,624.99	.....	264
216.	.....	6,625.00	to	6,649.99	.....	265
217.	.....	6,650.00	to	6,674.99	.....	266
218.	.....	6,675.00	to	6,699.99	.....	267
219.	.....	6,700.00	to	6,724.99	.....	268
220.	.....	6,725.00	to	6,749.99	.....	269
221.	6,750.00	to	6,774.99	270
222.	6,775.00	to	6,799.99	271
223.	6,800.00	to	6,824.99	272

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224.	6,825.00	to	6,849.99	273
225.	6,850.00	to	6,874.99	274
226.	6,875.00	to	6,899.99	275
227.	6,900.00	to	6,924.99	276
228.	.....	6,925.00	to	6,949.99	.....	277
229.	.....	6,950.00	to	6,974.99	.....	278
230.	.....	6,975.00	to	6,999.99	.....	279
231.	.....	7,000.00	to	7,024.99	.....	280
232.	.....	7,025.00	to	7,049.99	.....	281
233.	.....	7,050.00	to	7,074.99	.....	282
234.	.....	7,075.00	to	7,099.99	.....	283
235.	.....	7,100.00	to	7,124.99	.....	284
236.	.....	7,125.00	to	7,149.99	.....	285
237.	.....	7,150.00	to	7,174.99	.....	286
238.	.....	7,175.00	to	7,199.99	.....	287
239.	.....	7,200.00	to	7,224.99	.....	288
240.	.....	7,225.00	to	7,249.99	.....	289
241.	.....	7,250.00	to	7,274.99	.....	290
242.	.....	7,275.00	to	7,299.99	.....	291
243.	.....	7,300.00	to	7,324.99	.....	292
244.	.....	7,325.00	to	7,349.99	.....	293
245.	7,350.00	to	7,374.99	294
246.	7,375.00	to	7,399.99	295
247.	7,400.00	to	7,424.99	296

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248.	7,425.00	to	7,449.99	297
249.	7,450.00	to	7,474.99	298
250.	7,475.00	to	7,499.99	299
251.	7,500.00	to	7,524.99	300
252.	.....	7,525.00	to	7,549.99	.....	301
253.	.....	7,550.00	to	7,574.99	.....	302
254.	.....	7,575.00	to	7,599.99	.....	303
255.	.....	7,600.00	to	7,624.99	.....	304
256.	.....	7,625.00	to	7,649.99	.....	305
257.	.....	7,650.00	to	7,674.99	.....	306
258.	.....	7,675.00	to	7,699.99	.....	307
259.	.....	7,700.00	to	7,724.99	.....	308
260.	.....	7,725.00	to	7,749.99	.....	309
261.	.....	7,750.00	to	7,774.99	.....	310
262.	.....	7,775.00	to	7,799.99	.....	311
263.	.....	7,800.00	to	7,824.99	.....	312
264.	.....	7,825.00	to	7,849.99	.....	313
265.	.....	7,850.00	to	7,874.99	.....	314
266.	.....	7,875.00	to	7,899.99	.....	315
267.	.....	7,900.00	to	7,924.99	.....	316
268.	.....	7,925.00	to	7,949.99	.....	317
269.	7,950.00	to	7,974.99	318
270.	7,975.00	to	7,999.99	319
271.	8,000.00	to	8,024.99	320

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272.	8,025.00	to	8,049.99	321
273.	8,050.00	to	8,074.99	322
274.	8,075.00	to	8,099.99	323
275.	8,100.00	to	8,124.99	324
276.	.....	8,125.00	to	8,149.99	.....	325
277.	.....	8,150.00	to	8,174.99	.....	326
278.	.....	8,175.00	to	8,199.99	.....	327
279.	.....	8,200.00	to	8,224.99	.....	328
280.	.....	8,225.00	to	8,249.99	.....	329
281.	.....	8,250.00	to	8,274.99	.....	330
282.	.....	8,275.00	to	8,299.99	.....	331
283.	.....	8,300.00	to	8,324.99	.....	332
284.	.....	8,325.00	to	8,349.99	.....	333
285.	.....	8,350.00	to	8,374.99	.....	334
286.	.....	8,375.00	to	8,399.99	.....	335
287.	.....	8,400.00	to	8,424.99	.....	336
288.	.....	8,425.00	to	8,449.99	.....	337
289.	.....	8,450.00	to	8,474.99	.....	338
290.	.....	8,475.00	to	8,499.99	.....	339
291.	.....	8,500.00	to	8,524.99	.....	340
292.	.....	8,525.00	and over	.....	.....	341

1 (p) Each eligible employee shall be paid benefits for each week of total
2 unemployment that commences on or after ^{January 7, 2007} ~~December 31, 2006~~, at the weekly benefit
3 rate specified in this paragraph. Unless sub. (1m) applies, the weekly benefit rate

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shall equal 4 percent of the employee's base period wages that were paid during that quarter of the employee's base period in which the employee was paid the highest total wages, rounded down to the nearest whole dollar, except that, if that amount is less than the minimum amount shown in the following schedule, no benefits are payable to the employee and, if that amount is more than the maximum amount shown in the following schedule, the employee's weekly benefit rate shall be the maximum amount shown in the following schedule and except that, if the employee's benefits are exhausted during any week under s. 108.06 (1), the employee shall be paid the remaining amount of benefits payable to the employee in lieu of the amount shown in the following schedule: [See Figure 108.05 (1) (p) following]

Figure 108.05 (1) (p):

Line	Highest Quarterly Wages Paid	Weekly Benefit Rate
293.	Under \$1,325.00	\$ 0
294.	1,325.00 to 1,349.99	53
295.	1,350.00 to 1,374.99	54
296.	1,375.00 to 1,399.99	55
297.	1,400.00 to 1,424.99	56
298.	1,425.00 to 1,449.99	57
299.	1,450.00 to 1,474.99	58
300.	1,475.00 to 1,499.99	59
301.	1,500.00 to 1,524.99	60

BILL**SECTION 29**

302.	.....	1,525.00	to	1,549.99	.....	61
303.	.....	1,550.00	to	1,574.99	.....	62
304.	.....	1,575.00	to	1,599.99	.....	63
305.	.....	1,600.00	to	1,624.99	.....	64
306.	.....	1,625.00	to	1,649.99	.....	65
307.	.....	1,650.00	to	1,674.99	.....	66
308.	.....	1,675.00	to	1,699.99	.....	67
309.	.....	1,700.00	to	1,724.99	.....	68
310.	.....	1,725.00	to	1,749.99	.....	69
311.	.....	1,750.00	to	1,774.99	.....	70
312.	.....	1,775.00	to	1,799.99	.....	71
313.	.....	1,800.00	to	1,824.99	.....	72
314.	.....	1,825.00	to	1,849.99	.....	73
315.	.....	1,850.00	to	1,874.99	.....	74
316.	.....	1,875.00	to	1,899.99	.....	75
317.	.....	1,900.00	to	1,924.99	.....	76
318.	.....	1,925.00	to	1,949.99	.....	77
319.	.....	1,950.00	to	1,974.99	.....	78
320.	.....	1,975.00	to	1,999.99	.....	79
321.	.....	2,000.00	to	2,024.99	.....	80
322.	2,025.00	to	2,049.99	81
323.	2,050.00	to	2,074.99	82
324.	2,075.00	to	2,099.99	83
325.	2,100.00	to	2,124.99	84

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326.	2,125.00	to	2,149.99	85
327.	2,150.00	to	2,174.99	86
328.	2,175.00	to	2,199.99	87
329.	2,200.00	to	2,224.99	88
330.	.....	2,225.00	to	2,249.99	.....	89
331.	.....	2,250.00	to	2,274.99	.....	90
332.	.....	2,275.00	to	2,299.99	.....	91
333.	.....	2,300.00	to	2,324.99	.....	92
334.	.....	2,325.00	to	2,349.99	.....	93
335.	.....	2,350.00	to	2,374.99	.....	94
336.	.....	2,375.00	to	2,399.99	.....	95
337.	.....	2,400.00	to	2,424.99	.....	96
338.	.....	2,425.00	to	2,449.99	.....	97
339.	.....	2,450.00	to	2,474.99	.....	98
340.	.....	2,475.00	to	2,499.99	.....	99
341.	.....	2,500.00	to	2,524.99	.....	100
342.	.....	2,525.00	to	2,549.99	.....	101
343.	.....	2,550.00	to	2,574.99	.....	102
344.	.....	2,575.00	to	2,599.99	.....	103
345.	.....	2,600.00	to	2,624.99	.....	104
346.	.....	2,625.00	to	2,649.99	.....	105
347.	2,650.00	to	2,674.99	106
348.	2,675.00	to	2,699.99	107
349.	2,700.00	to	2,724.99	108

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350.	2,725.00	to	2,749.99	109
351.	2,750.00	to	2,774.99	110
352.	2,775.00	to	2,799.99	111
353.	2,800.00	to	2,824.99	112
354.	.....	2,825.00	to	2,849.99	.....	113
355.	.....	2,850.00	to	2,874.99	.....	114
356.	.....	2,875.00	to	2,899.99	.....	115
357.	.....	2,900.00	to	2,924.99	.....	116
358.	.....	2,925.00	to	2,949.99	.....	117
359.	.....	2,950.00	to	2,974.99	.....	118
360.	.....	2,975.00	to	2,999.99	.....	119
361.	.....	3,000.00	to	3,024.99	.....	120
362.	.....	3,025.00	to	3,049.99	.....	121
363.	.....	3,050.00	to	3,074.99	.....	122
364.	.....	3,075.00	to	3,099.99	.....	123
365.	.....	3,100.00	to	3,124.99	.....	124
366.	.....	3,125.00	to	3,149.99	.....	125
367.	.....	3,150.00	to	3,174.99	.....	126
368.	.....	3,175.00	to	3,199.99	.....	127
369.	.....	3,200.00	to	3,224.99	.....	128
370.	.....	3,225.00	to	3,249.99	.....	129
371.	3,250.00	to	3,274.99	130
372.	3,275.00	to	3,299.99	131
373.	3,300.00	to	3,324.99	132

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374.	3,325.00	to	3,349.99	133
375.	3,350.00	to	3,374.99	134
376.	3,375.00	to	3,399.99	135
377.	3,400.00	to	3,424.99	136
378.	.....	3,425.00	to	3,449.99	.....	137
379.	.....	3,450.00	to	3,474.99	.....	138
380.	.....	3,475.00	to	3,499.99	.....	139
381.	.....	3,500.00	to	3,524.99	.....	140
382.	.....	3,525.00	to	3,549.99	.....	141
383.	.....	3,550.00	to	3,574.99	.....	142
384.	.....	3,575.00	to	3,599.99	.....	143
385.	.....	3,600.00	to	3,624.99	.....	144
386.	.....	3,625.00	to	3,649.99	.....	145
387.	.....	3,650.00	to	3,674.99	.....	146
388.	.....	3,675.00	to	3,699.99	.....	147
389.	.....	3,700.00	to	3,724.99	.....	148
390.	.....	3,725.00	to	3,749.99	.....	149
391.	.....	3,750.00	to	3,774.99	.....	150
392.	.....	3,775.00	to	3,799.99	.....	151
393.	.....	3,800.00	to	3,824.99	.....	152
394.	.....	3,825.00	to	3,849.99	.....	153
395.	.....	3,850.00	to	3,874.99	.....	154
396.	.....	3,875.00	to	3,899.99	.....	155
397.	.....	3,900.00	to	3,924.99	.....	156

BILL**SECTION 29**

398.	.....	3,925.00	to	3,949.99	.....	157
399.	.....	3,950.00	to	3,974.99	.....	158
400.	.....	3,975.00	to	3,999.99	.....	159
401.	.....	4,000.00	to	4,024.99	.....	160
402.	.....	4,025.00	to	4,049.99	.....	161
403.	.....	4,050.00	to	4,074.99	.....	162
404.	.....	4,075.00	to	4,099.99	.....	163
405.	.....	4,100.00	to	4,124.99	.....	164
406.	.....	4,125.00	to	4,149.99	.....	165
407.	.....	4,150.00	to	4,174.99	.....	166
408.	.....	4,175.00	to	4,199.99	.....	167
409.	.....	4,200.00	to	4,224.99	.....	168
410.	.....	4,225.00	to	4,249.99	.....	169
411.	.....	4,250.00	to	4,274.99	.....	170
412.	.....	4,275.00	to	4,299.99	.....	171
413.	.....	4,300.00	to	4,324.99	.....	172
414.	.....	4,325.00	to	4,349.99	.....	173
415.	.....	4,350.00	to	4,374.99	.....	174
416.	.....	4,375.00	to	4,399.99	.....	175
417.	.....	4,400.00	to	4,424.99	.....	176
418.	.....	4,425.00	to	4,449.99	.....	177
419.	.....	4,450.00	to	4,474.99	.....	178
420.	.....	4,475.00	to	4,499.99	.....	179
421.	.....	4,500.00	to	4,524.99	.....	180

BILL

422.	.....	4,525.00	to	4,549.99	.....	181
423.	.....	4,550.00	to	4,574.99	.....	182
424.	.....	4,575.00	to	4,599.99	.....	183
425.	.....	4,600.00	to	4,624.99	.....	184
426.	.....	4,625.00	to	4,649.99	.....	185
427.	.....	4,650.00	to	4,674.99	.....	186
428.	.....	4,675.00	to	4,699.99	.....	187
429.	.....	4,700.00	to	4,724.99	.....	188
430.	.....	4,725.00	to	4,749.99	.....	189
431.	.....	4,750.00	to	4,774.99	.....	190
432.	.....	4,775.00	to	4,799.99	.....	191
433.	.....	4,800.00	to	4,824.99	.....	192
434.	.....	4,825.00	to	4,849.99	.....	193
435.	.....	4,850.00	to	4,874.99	.....	194
436.	.....	4,875.00	to	4,899.99	.....	195
437.	.....	4,900.00	to	4,924.99	.....	196
438.	.....	4,925.00	to	4,949.99	.....	197
439.	.....	4,950.00	to	4,974.99	.....	198
440.	.....	4,975.00	to	4,999.99	.....	199
441.	.....	5,000.00	to	5,024.99	.....	200
442.	.....	5,025.00	to	5,049.99	.....	201
443.	.....	5,050.00	to	5,074.99	.....	202
444.	.....	5,075.00	to	5,099.99	.....	203
445.	.....	5,100.00	to	5,124.99	.....	204

BILL**SECTION 29**

446.	.....	5,125.00	to	5,149.99	.....	205
447.	.....	5,150.00	to	5,174.99	.....	206
448.	.....	5,175.00	to	5,199.99	.....	207
449.	.....	5,200.00	to	5,224.99	.....	208
450.	.....	5,225.00	to	5,249.99	.....	209
451.	.....	5,250.00	to	5,274.99	.....	210
452.	.....	5,275.00	to	5,299.99	.....	211
453.	.....	5,300.00	to	5,324.99	.....	212
454.	.....	5,325.00	to	5,349.99	.....	213
455.	.....	5,350.00	to	5,374.99	.....	214
456.	.....	5,375.00	to	5,399.99	.....	215
457.	.....	5,400.00	to	5,424.99	.....	216
458.	.....	5,425.00	to	5,449.99	.....	217
459.	.....	5,450.00	to	5,474.99	.....	218
460.	.....	5,475.00	to	5,499.99	.....	219
461.	.....	5,500.00	to	5,524.99	.....	220
462.	.....	5,525.00	to	5,549.99	.....	221
463.	.....	5,550.00	to	5,574.99	.....	222
464.	.....	5,575.00	to	5,599.99	.....	223
465.	.....	5,600.00	to	5,624.99	.....	224
466.	.....	5,625.00	to	5,649.99	.....	225
467.	5,650.00	to	5,674.99	226
468.	5,675.00	to	5,699.99	227
469.	5,700.00	to	5,724.99	228

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470.	5,725.00	to	5,749.99	229
471.	5,750.00	to	5,774.99	230
472.	5,775.00	to	5,799.99	231
473.	5,800.00	to	5,824.99	232
474.	.....	5,825.00	to	5,849.99	.....	233
475.	.....	5,850.00	to	5,874.99	.....	234
476.	.....	5,875.00	to	5,899.99	.....	235
477.	.....	5,900.00	to	5,924.99	.....	236
478.	.....	5,925.00	to	5,949.99	.....	237
479.	.....	5,950.00	to	5,974.99	.....	238
480.	.....	5,975.00	to	5,999.99	.....	239
481.	.....	6,000.00	to	6,024.99	.....	240
482.	.....	6,025.00	to	6,049.99	.....	241
483.	.....	6,050.00	to	6,074.99	.....	242
484.	.....	6,075.00	to	6,099.99	.....	243
485.	.....	6,100.00	to	6,124.99	.....	244
486.	.....	6,125.00	to	6,149.99	.....	245
487.	.....	6,150.00	to	6,174.99	.....	246
488.	.....	6,175.00	to	6,199.99	.....	247
489.	.....	6,200.00	to	6,224.99	.....	248
490.	.....	6,225.00	to	6,249.99	.....	249
491.	.....	6,250.00	to	6,274.99	.....	250
492.	.....	6,275.00	to	6,299.99	.....	251
493.	.....	6,300.00	to	6,324.99	.....	252

BILL**SECTION 29**

494.	.....	6,325.00	to	6,349.99	.....	253
495.	.....	6,350.00	to	6,374.99	.....	254
496.	.....	6,375.00	to	6,399.99	.....	255
497.	.....	6,400.00	to	6,424.99	.....	256
498.	.....	6,425.00	to	6,449.99	.....	257
499.	.....	6,450.00	to	6,474.99	.....	258
500.	.....	6,475.00	to	6,499.99	.....	259
501.	.....	6,500.00	to	6,524.99	.....	260
502.	.....	6,525.00	to	6,549.99	.....	261
503.	.....	6,550.00	to	6,574.99	.....	262
504.	.....	6,575.00	to	6,599.99	.....	263
505.	.....	6,600.00	to	6,624.99	.....	264
506.	.....	6,625.00	to	6,649.99	.....	265
507.	.....	6,650.00	to	6,674.99	.....	266
508.	.....	6,675.00	to	6,699.99	.....	267
509.	.....	6,700.00	to	6,724.99	.....	268
510.	.....	6,725.00	to	6,749.99	.....	269
511.	.....	6,750.00	to	6,774.99	.....	270
512.	.....	6,775.00	to	6,799.99	.....	271
513.	.....	6,800.00	to	6,824.99	.....	272
514.	.....	6,825.00	to	6,849.99	.....	273
515.	.....	6,850.00	to	6,874.99	.....	274
516.	.....	6,875.00	to	6,899.99	.....	275
517.	.....	6,900.00	to	6,924.99	.....	276

BILL

518.	.....	6,925.00	to	6,949.99	.....	277
519.	.....	6,950.00	to	6,974.99	.....	278
520.	.....	6,975.00	to	6,999.99	.....	279
521.	.....	7,000.00	to	7,024.99	.....	280
522.	.....	7,025.00	to	7,049.99	.....	281
523.	.....	7,050.00	to	7,074.99	.....	282
524.	.....	7,075.00	to	7,099.99	.....	283
525.	.....	7,100.00	to	7,124.99	.....	284
526.	.....	7,125.00	to	7,149.99	.....	285
527.	.....	7,150.00	to	7,174.99	.....	286
528.	.....	7,175.00	to	7,199.99	.....	287
529.	.....	7,200.00	to	7,224.99	.....	288
530.	.....	7,225.00	to	7,249.99	.....	289
531.	.....	7,250.00	to	7,274.99	.....	290
532.	.....	7,275.00	to	7,299.99	.....	291
533.	.....	7,300.00	to	7,324.99	.....	292
534.	.....	7,325.00	to	7,349.99	.....	293
535.	.....	7,350.00	to	7,374.99	.....	294
536.	.....	7,375.00	to	7,399.99	.....	295
537.	.....	7,400.00	to	7,424.99	.....	296
538.	.....	7,425.00	to	7,449.99	.....	297
539.	.....	7,450.00	to	7,474.99	.....	298
540.	.....	7,475.00	to	7,499.99	.....	299
541.	.....	7,500.00	to	7,524.99	.....	300

BILL**SECTION 29**

542.	.....	7,525.00	to	7,549.99	.....	301
543.	.....	7,550.00	to	7,574.99	.....	302
544.	.....	7,575.00	to	7,599.99	.....	303
545.	.....	7,600.00	to	7,624.99	.....	304
546.	.....	7,625.00	to	7,649.99	.....	305
547.	.....	7,650.00	to	7,674.99	.....	306
548.	.....	7,675.00	to	7,699.99	.....	307
549.	.....	7,700.00	to	7,724.99	.....	308
550.	.....	7,725.00	to	7,749.99	.....	309
551.	.....	7,750.00	to	7,774.99	.....	310
552.	.....	7,775.00	to	7,799.99	.....	311
553.	.....	7,800.00	to	7,824.99	.....	312
554.	.....	7,825.00	to	7,849.99	.....	313
555.	.....	7,850.00	to	7,874.99	.....	314
556.	.....	7,875.00	to	7,899.99	.....	315
557.	.....	7,900.00	to	7,924.99	.....	316
558.	.....	7,925.00	to	7,949.99	.....	317
559.	.....	7,950.00	to	7,974.99	.....	318
560.	.....	7,975.00	to	7,999.99	.....	319
561.	.....	8,000.00	to	8,024.99	.....	320
562.	.....	8,025.00	to	8,049.99	.....	321
563.	8,050.00	to	8,074.99	322
564.	8,075.00	to	8,099.99	323
565.	8,100.00	to	8,124.99	324

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566.	8,125.00	to	8,149.99	325
567.	8,150.00	to	8,174.99	326
568.	8,175.00	to	8,199.99	327
569.	8,200.00	to	8,224.99	328
570.	.....	8,225.00	to	8,249.99	.....	329
571.	.....	8,250.00	to	8,274.99	.....	330
572.	.....	8,275.00	to	8,299.99	.....	331
573.	.....	8,300.00	to	8,324.99	.....	332
574.	.....	8,325.00	to	8,349.99	.....	333
575.	.....	8,350.00	to	8,374.99	.....	334
576.	.....	8,375.00	to	8,399.99	.....	335
577.	.....	8,400.00	to	8,424.99	.....	336
578.	.....	8,425.00	to	8,449.99	.....	337
579.	.....	8,450.00	to	8,474.99	.....	338
580.	.....	8,475.00	to	8,499.99	.....	339
581.	.....	8,500.00	to	8,524.99	.....	340
582.	.....	8,525.00	to	8,549.99	.....	341
583.	.....	8,550.00	to	8,574.99	.....	342
584.	.....	8,575.00	to	8,599.99	.....	343
585.	.....	8,600.00	to	8,624.99	.....	344
586.	.....	8,625.00	to	8,649.99	.....	345
587.	8,650.00	to	8,674.99	346
588.	8,675.00	to	8,699.99	347
589.	8,700.00	to	8,724.99	348

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590.	8,725.00	to	8,749.99	349
591.	8,750.00	to	8,774.99	350
592.	8,775.00	to	8,799.99	351
593.	8,800.00	to	8,824.99	352
594.	8,825.00	to	8,849.99	353
595.	8,850.00	to	8,874.99	354
596.	8,875.00	and over		355

SECTION 30. 108.05 (3) (a) of the statutes is amended to read:

108.05 (3) (a) Except as provided in pars. (b) and (c), if an eligible employee earns wages in a given week, the first \$30 of the wages shall be disregarded and the employee's applicable weekly benefit payment shall be reduced by 67% of the remaining amount, except that no such employee is eligible for benefits if the employee's benefit payment would be less than \$5 for any week. For purposes of this paragraph, "wages" includes any salary reduction amounts earned that are not wages and that are deducted from the salary of a claimant by an employer pursuant to a salary reduction agreement under a cafeteria plan, within the meaning of 26 USC 125, and any amount that a claimant would have earned in available work which is treated as wages under s. 108.04 (1) (a), ~~but excludes any amount that a claimant earns for services performed as a volunteer fire fighter, volunteer emergency medical technician or volunteer first responder.~~ In applying this paragraph, the department shall disregard discrepancies of less than \$2 between wages reported by employees and employers.

SECTION 31. ~~108.05~~ ^{108.04} (5g) of the statutes is created to read:

16
JWS
16-21

move
to p. 16

→ LPS: Move CRg 108.04 (5g) to 16-21.

BILL

JWS 16-21

1

108.05 (5g) DISCHARGE FOR FAILURE TO NOTIFY EMPLOYER OF ABSENTEEISM OR TARDINESS. (a) If an employee is discharged for failing to notify his or her employer of absenteeism or tardiness that becomes excessive, and the employer has complied with the requirements of par. (d) with respect to that employee, the employee is ineligible to receive benefits until 6 weeks have elapsed since the end of the week in which the discharge occurs and the employee earns wages after the week in which the discharge occurs equal to at least 6 times the employee's weekly benefit rate under s. 108.05 (1) in employment or other work covered by the unemployment insurance law of any state or the federal government. For purposes of requalification, the employee's weekly benefit rate shall be the rate that would have been paid had the discharge not occurred.

(b) For purposes of this subsection, tardiness becomes excessive if an employee is late for 6 scheduled workdays in a 12-month period without providing adequate notice to his or her employer.

(c) For purposes of this subsection, absenteeism becomes excessive if an employee is absent for 5 scheduled workdays in a 12-month period without providing adequate notice to his or her employer.

(d) 1. The requalifying requirements under par. (a) apply only if the employer has a written policy on notification of tardiness or absences that:

a. Defines what constitutes a single occurrence of tardiness or absenteeism;

b. Describes the process for providing adequate notice of tardiness or absence;

and

c. Notifies the employee that failure to provide adequate notice of an absence or tardiness may lead to discharge.

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2. The employer shall provide a copy of the written policy under subd. 1. to each employee and shall have written evidence that the employee received a copy of that policy.

3. The employer must have given the employee at least one warning concerning the employee's violation of the employer's written policy under subd. 1. within the 12-month period preceding the date of the discharge.

4. The employer must apply the written policy under subd. 1. uniformly to all employees of the employer.

(e) The department shall charge to the fund's balancing account the cost of any benefits otherwise chargeable to the account of an employer that is subject to the contribution requirements under ss. 108.17 and 108.18 whenever an employee is ineligible to receive benefits based upon employment with that employer due to excessive tardiness or absenteeism under this subsection.

SECTION 32. 108.05 (10) (b) of the statutes is amended to read:

108.05 (10) (b) Second, to recover overpayments under s. 108.22 (8) (b) 1.

SECTION 33. 108.068 (2) of the statutes is amended to read:

108.068 (2) The department shall treat a limited liability company that files proof under sub. (1) as a corporation under this chapter beginning on the same date that the federal internal revenue service treats the company as a corporation for federal tax purposes, except that for benefit purposes the treatment shall apply on the same date that the internal revenue service applies the treatment or the date that proof is filed with the department, whichever is later to benefit years in existence on or beginning on or after the date that the federal internal revenue service treats the company as a corporation for federal tax purposes if the benefit year to which the treatment is to be applied has not ended on the date that the

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1 department first has notice of a benefit eligibility issue that relates to treatment of
2 that limited liability company.

3 **SECTION 34.** 108.09 (2) (bm) of the statutes is amended to read:
4

5 108.09 (2) (bm) In determining whether an individual meets the conditions
6 specified in s. 108.02 (12) (b) 2. a. or b. ~~or~~ (bm) ~~1. or 2.~~ 3. or 4., or (c) 1., the department
7 shall not consider documents granting operating authority or licenses, or any state
8 or federal laws or federal regulations granting such authority or licenses.

9 **SECTION 35.** 108.09 (4n) of the statutes is created to read:

10 108.09 (4n) EMPLOYMENT DATA SYSTEM REPORTS. If the department maintains
11 a database system consisting of occupational information and employment
12 conditions data, and an employee of the department, including an individual who
13 serves as an appeal tribunal, creates a report from the system, the report constitutes
14 prima facie evidence as to the matters contained in the report in any proceeding
15 under this section if:

16 (a) The department has provided to the parties an explanation of the system
17 and the reports created from the system prior to admission of the report.

18 (b) The parties have been given the opportunity to review and object to the
19 report, including the accuracy of any information used in creating the report, prior
20 to its admission into evidence.

21 (c) The report sets forth all of the information used in creating the report ~~and~~
22 ~~contains information that can be used to identify the employee of the department~~
23 ~~who created the report.~~

24 **SECTION 36.** 108.09 (4s) of the statutes is amended to read:

25 108.09 (4s) EMPLOYEE STATUS. In determining whether an individual meets the
conditions specified in s. 108.02 (12) (b) 2. a. or b. ~~or~~ (bm) ~~1. or 2.~~ 3. or 4., or (c) 1., the

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1 appeal tribunal shall not take administrative notice of or admit into evidence
2 documents granting operating authority or licenses, or any state or federal laws or
3 federal regulations granting such authority or licenses.

4 **SECTION 37.** 108.105 of the statutes is renumbered 108.105 (1) and amended
5 to read:

6 108.105 (1) The department may suspend the privilege of any agent to appear
7 before the department at hearings under this chapter for a specified period if the
8 department finds that the agent has engaged in an act of fraud or misrepresentation
9 ~~or, has~~ repeatedly failed to comply with departmental rules, or has engaged in the
10 solicitation of a claimant solely for the purpose of appearing at a hearing as the
11 claimant's representative for pay.

12 (3) Prior to imposing a suspension under this section, the secretary of
13 workforce development or the secretary's designee shall conduct a hearing
14 concerning the proposed suspension. The hearing shall be conducted under ch. 227
15 and the decision of the department may be appealed under s. 227.52.

16 **SECTION 38.** 108.105 (2) of the statutes is created to read:

17 108.105 (2) The department may suspend the privilege of an agent to act as an
18 employer's representative under this chapter for up to one year if, during any
19 12-month period, in 5 percent or more of all appeal tribunal hearings held in which
20 employers represented by the agent are appellants there is a final appeal tribunal
21 decision finding that the employer represented by the agent failed to provide correct
22 and complete information requested by the department during a fact-finding
23 investigation and there is no finding that the employer had good cause for that
24 failure.

25 **SECTION 39.** 108.151 (4) (b) of the statutes is amended to read:

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1 108.151 (4) (b) The fund's treasurer shall issue a receipt to the employer for its
2 deposit of assurance. Any assurances shall be retained by the fund's treasurer in
3 escrow, for the fund, until the employer's liability under its election is terminated,
4 at which time they shall be returned to the employer, less any deductions made under
5 this paragraph. The employer may at any time substitute assurances of equal or
6 greater value. The treasurer may, with 10 days' notice to the employer, liquidate the
7 assurances deposited to the extent necessary to satisfy any delinquent
8 reimbursements or assessments due under this section together with any interest
9 and any tardy filing fees due. The treasurer shall hold in escrow any cash remaining
10 from the sale of the assurances, without interest. The fund's treasurer shall require
11 the employer within 30 days following any liquidation of deposited assurances to
12 deposit sufficient additional assurances to make whole the employer's deposit at the
13 prior level. Any income from assurances held in escrow shall inure to and be the
14 property of the employer.

15 **SECTION 40.** 108.151 (7) of the statutes is created to read:

16 108.151 (7) UNCOLLECTIBLE REIMBURSEMENTS. (a) In this subsection, "payroll"
17 has the meaning given in s. 108.02 (21) (a).

18 (b) Except as provided in par. (f), each employer that has elected
19 reimbursement financing under this section and that is subject to this chapter as of
20 the date that a rate of assessment is ~~established~~ ^{STET} under this subsection shall pay an
21 assessment to the fund at a rate ~~established by the department~~ ^{determined by the fund's treasurer} under par. (c). ~~(c).~~ ^{STET}

22 (c) The fund's treasurer shall determine the total amount due from employers
23 electing reimbursement financing under this section that is uncollectible as of June
24 30 of each year, but not including any amount that the department determined to be
25 uncollectible prior to January 1, 2004. No amount may be treated as uncollectible

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1 under this paragraph unless the department has exhausted all reasonable remedies
2 for collection of the amount, including liquidation of the assurance required under
3 sub. (4). The department shall charge the total amounts so determined to the
4 uncollectible reimbursable benefits account under s. 108.16 (6w). Whenever, as of
5 June 30 of any year, this account has a negative balance of \$5,000 or more, the
6 treasurer shall determine the rate of an assessment to be levied under par. (b) for that
7 year, which shall then become payable by all employers that have elected
8 reimbursement financing under this section as of that date.

9 (d) The rate of assessment under this subsection for each calendar year shall
10 be a rate, when applied to the payrolls of all employers electing reimbursement
11 financing under this section for the preceding calendar year, that will generate an
12 amount that equals the total amount determined to be uncollectible under par. (c),
13 but not more than \$200,000 for any year.

14 (e) Except as provided in par. (f), the rate of each employer's assessment under
15 this subsection for any calendar year is the product of the rate determined under par.

16 (d) multiplied by the employer's payroll for the preceding calendar year, as reported
17 by the employer under s. 108.17 (2) or, in the absence of reports, as estimated by the
18 department.

19 (f) If any employer would otherwise be assessed an amount less than \$10 for
20 a calendar year, the department shall, in lieu of requiring that employer to pay an
21 assessment for that calendar year, apply the amount that the employer would have
22 been required to pay to the other employers on a pro rata basis.

23 (g) The department shall bill assessments to employers under this subsection
24 in the same manner as provided in sub. (5) (f) for the month of September in each
25 year, and the assessment is due for payment in the same manner as other payments

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1 under sub. (5) (f). If any assessment is past due, the department shall assess interest
2 on the balance due under s. 108.22. If any employer is delinquent in paying an
3 assessment under this subsection, the department may terminate the employer's
4 election of reimbursement financing under this section as of the close of any calendar
5 year in which the employer remains delinquent.

6 (h) If the payroll of an employer is adjusted to decrease the amount of the
7 payroll after a contribution report for the employer is filed under s. 108.17 (2), the
8 department shall refund any assessment that is overpaid by the employer under this
9 subsection as a result of the adjustment.

10 **SECTION 41.** 108.16 (6m) (a) of the statutes is amended to read:

11 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (5g),
12 (7) (h), (8) (a), (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (b), (5m), (6), or (8), 108.14
13 (8n) (e), 108.141, 108.151, or 108.152 or sub. (6) (e) or (7) (a) and (b).

14 **SECTION 42.** 108.16 (6w) and (6x) of the statutes are created to read:

15 108.16 (6w) The department shall maintain within the fund an uncollectible
16 reimbursable benefits account to which the department shall credit all amounts
17 received from employers under s. 108.151 (7).

18 (6x) The department shall charge to the uncollectible reimbursable benefits
19 account the amount of any benefits paid from the balancing account that are
20 reimbursable under s. 108.151 but for which the department does not receive
21 reimbursement after the department exhausts all reasonable remedies for collection
22 of the amount.

23 **SECTION 43.** 108.16 (8) (e) 1. of the statutes is amended to read:

24 108.16 (8) (e) 1. At the time of business transfer, the transferor and the
25 transferee are owned, managed, or controlled in whole or in substantial part, either

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1 directly or indirectly by legally enforceable means or otherwise, by the same interest
2 or interests. Without limitation by reason of enumeration, it is presumed unless
3 shown to the contrary that the “same interest or interests” includes the spouse, child,
4 or parent of the individual who owned, managed or controlled the business, or any
5 combination of more than one of them.

6 **SECTION 44.** 108.16 (8) (em) of the statutes is created to read:

7 108.16 (8) (em) If, after the transferee of a business has been deemed a
8 successor under par. (e), the department determines that a substantial purpose of the
9 transfer of the business was to obtain a reduced contribution rate, then the
10 department shall treat the transfer as having no effect for purposes of this chapter
11 and shall, retroactively to the date of the transfer, reassign to the transferor all
12 aspects of the transferor’s account experience and liability that had been assigned
13 to the transferee, together with all aspects of the transferee’s account experience
14 related to the transferred business, and shall recompute the transferor’s
15 contribution rate as provided in par. (h).✓

16 **SECTION 45.** 108.16 (8) (h) of the statutes is amended to read:

17 plain space
18 108.16 (8) (h) The department shall determine or redetermine the contribution
19 rate for a successor subject to this chapter immediately prior to the date of the
20 transfer shall be redetermined, as of the applicable computation date, to apply to the
21 calendar year following the date of transfer and the successor effective as of the
22 beginning of the first quarter following the date of the transfer of the business. The
23 department shall thereafter be redetermined redetermine the contribution rate
24 whenever required by s. 108.18. For the purposes of s. 108.18, the department shall
25 determine the experience under this chapter of the successor’s account by allocating
to the successor’s account for each period in question the respective proportions of

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1 the transferor's payroll and benefits which the department determines to be properly
2 assignable to the business transferred.

3 **SECTION 46.** 108.16 (8) (im) of the statutes is created to read:

4 108.16 (8) (im) Notwithstanding pars. (b) to (i), a transferee who is not subject
5 to this chapter on the date of transfer of a business shall not be deemed a successor
6 to the transferor if the department determines that the transfer occurred solely or
7 primarily for the purpose of obtaining a lower contribution rate for the transferee
8 than the rate that would otherwise apply if the transferee were deemed a new
9 employer. In determining whether a business was transferred solely or primarily for
10 the purpose of obtaining a lower contribution rate for the transferee than the rate
11 that would otherwise apply, the department shall use objective factors, which may
12 include the cost of acquiring the business, whether the transferee continued the
13 business enterprise of the transferred business, the length of time that the business
14 enterprise was continued, or whether a substantial number of new employees were
15 hired for the performance of duties unrelated to the business activity conducted by
16 the transferor prior to the transfer.

17 **SECTION 47.** 108.16 (8) (m) to (o) of the statutes are created to read:

18 108.16 (8) (m) If any person knowingly makes or attempts to make a false
19 statement or representation to the department in connection with any investigation
20 to determine whether an employer qualifies to be deemed a successor under par. (e)
21 or (im) or any other provision of this chapter for the purpose of determining the
22 assignment of a contribution rate, or if any person knowingly advises another person
23 to do so, including by willful evasion, nondisclosure, or misrepresentation, the person
24 is subject to the following penalties:

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1 1. If the person is an employer, then the department shall assign the employer
2 the highest contribution rate assignable under this chapter for the year, during
3 which the violation or attempted violation occurs and the 3 succeeding years, except
4 that if the department assigns the employer the highest contribution rate for any
5 such year under other provisions of this chapter or if the increase in the employer's
6 contribution rate under this subdivision would be less than 2 percent on its payroll
7 for any year, then the department shall increase the employer's contribution rate by
8 2 percent on its payroll for each year in which a penalty applies under this
9 subdivision.

10 2. If the person is not an employer, the person may be required to forfeit not
11 more than \$5,000.

12 3. The person is guilty of a Class A misdemeanor.

13 (n) The department shall utilize uniform procedures to identify businesses that
14 are transferred under this subsection.

15 (o) Paragraphs (e) 1., (em), (h), (im), and (m) shall be interpreted and applied,
16 insofar as possible, to meet the minimum requirements of any guidance issued by or
17 regulations promulgated by the U.S. department of labor.

18 **SECTION 48.** 108.17 (2b) of the statutes is created to read:

19 **108.17 (2b)** The department shall prescribe a form and methodology for filing
20 contribution reports under sub. (2) electronically using the Internet. Each employer
21 of 50 or more employees, as determined under s. 108.22 (1) (ae), that does not use an
22 employer agent to file its contribution reports under this section shall file its
23 contribution reports electronically using the Internet on the form prescribed by the
24 department. Once an employer becomes subject to the reporting requirements under

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1 this subsection, it shall continue to file its reports under this subsection unless that
2 requirement is waived by the department.

3 **SECTION 49.** 108.17 (2g) of the statutes is amended to read:

4 108.17 (2g) An employer agent that prepares reports under sub. (2) on behalf
5 of less than 25 employers shall file those reports electronically using the Internet on
6 the form prescribed by the department under sub. (2b). An employer agent that files
7 prepares reports under sub. (2) on behalf of 25 or more employers shall file those
8 reports using an electronic medium and format approved by the department. An
9 employer agent that becomes subject to the reporting requirement under this
10 subsection shall file its initial reports under this subsection for the 4th quarter
11 beginning after the quarter in which the employer agent becomes subject to the
12 reporting requirement. Once an employer agent becomes subject to the reporting
13 requirement under this subsection, the employer agent shall continue to file its
14 reports under this subsection unless that requirement is waived by the department.

15 **SECTION 50.** 108.18 (1) (a) of the statutes is amended to read:

16 108.18 (1) (a) Each Unless a penalty applies under s. 108.16 (8) (m), each
17 employer shall pay contributions to the fund for each calendar year at whatever rate
18 on the employer's payroll for that year duly applies to the employer pursuant to this
19 section.

20 **SECTION 51.** 108.18 (2) (d) of the statutes is amended to read:

21 108.18 (2) (d) No later than 90 days after the department issues an initial
22 determination that a person is an employer, any employer other than an employer
23 specified in par. (c), having a payroll exceeding \$10,000,000 in a calendar year may
24 elect that its contribution rate shall be one percent on its payroll for the first 3
25 calendar years with respect to which contributions are credited to its account. In

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1 such case, the department shall credit the amount collected in excess of this amount
2 against liability of the employer for future contributions after the close of each
3 calendar year in which an election applies. If an employer qualifies for and makes
4 an election under this paragraph, the employer shall, upon notification by the
5 department, make a special contribution after the close of each quarter equivalent
6 to the amount by which its account is overdrawn, if any, for the preceding quarter.
7 The department shall credit any timely payment of contributions to the employer's
8 account before making a determination of liability for a special contribution under
9 this paragraph. An employer does not qualify for an alternate contribution rate
10 under this paragraph at any time during which the employer's special contribution
11 payment is delinquent. An employer that is the transferee of a business enterprise
12 but does not qualify to be treated as a successor under s. 108.16 (8) (im) does not
13 qualify for an alternate contribution rate under this paragraph.

14 **SECTION 52.** 108.20 (2m) of the statutes is amended to read:

15 108.20 (2m) From the moneys not appropriated under s. 20.445 (1) (ge), (gf)
16 and, (gg), and (gi) which are received by the administrative account as interest and
17 penalties under this chapter, the department shall pay the benefits chargeable to the
18 administrative account under s. 108.07 (5) and the interest payable to employers
19 under s. 108.17 (3m) and may pay interest due on advances to the unemployment
20 reserve fund from the federal unemployment account under title XII of the social
21 security act, 42 USC 1321 to 1324, may make payments to satisfy a federal audit
22 exception concerning a payment from the fund or any federal aid disallowance
23 involving the unemployment insurance program, or may make payments to the fund
24 if such action is necessary to obtain a lower interest rate or deferral of interest
25 payments on advances from the federal unemployment account under title XII of the

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1 social security act, except that any interest earned pending disbursement of federal
2 employment security grants under s. 20.445 (1) (n) shall be credited to the general
3 fund. Any moneys reverting to the administrative account from the appropriations
4 under s. 20.445 (1) (ge) and (gf) shall be utilized as provided in this subsection.

5 **SECTION 53.** 108.205 (1m) of the statutes is created to read:

6 108.205 (1m) ^(a) The department shall prescribe a form and methodology for filing
7 reports under sub. (1) electronically using the Internet. ^(b) Each employer agent shall
8 file its reports electronically in the form prescribed by the department.

9 **SECTION 54.** 108.205 (2) of the statutes is amended to read:

10 108.205 (2) All employers of ~~100~~ 50 or more employees, as determined under
11 s. 108.22 (1) (ae), shall file the quarterly report under sub. (1) using an electronic
12 medium approved by the department for such employers. An employer that becomes
13 subject to the reporting requirement under this subsection shall file its initial report
14 under this subsection for the 4th quarter beginning after the quarter in which the
15 employer becomes subject to the reporting requirement. Once an employer becomes
16 subject to the reporting requirement under this subsection, the employer shall
17 continue to file its quarterly reports under this subsection unless that requirement
18 is waived by the department.

19 **SECTION 55.** 108.22 (1) (ac) of the statutes is amended to read:

20 108.22 (1) (ac) In addition to any fee assessed under par. (a), the department
21 may assess an employer or employer agent that is subject to the reporting
22 requirement under s. 108.205 (2) and that fails to file its report in a format prescribed
23 under that subsection ~~may be assessed~~ a penalty of \$10 for each employee whose
24 information is not reported in a format prescribed under s. 108.205 (2).

25 **SECTION 56.** 108.22 (1) (ad) of the statutes is renumbered 108.22 (1) (ad) 1.

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1 **SECTION 57.** 108.22 (1) (ad) 2. of the statutes is created to read:

2 108.22 (1) (ad) 2. An employer that is subject to the reporting requirements
3 under s. 108.17 (2b) and that fails to file a contribution report in accordance with s.
4 108.17 (2b) may be assessed a penalty by the department in the amount of \$25 for
5 each report that is not filed in accordance with s. 108.17 (2b).

6 **SECTION 58.** 108.22 (1) (b) of the statutes is amended to read:

7 108.22 (1) (b) If the due date of a report or payment under s. 108.15 (5) (b),
8 108.151 (5) (f) or (7), 108.16 (8), 108.17, or 108.205 would otherwise be a Saturday,
9 Sunday, or legal holiday under state or federal law, the due date is the next following
10 day which is not a Saturday, Sunday, or legal holiday under state or federal law.

11 **SECTION 59.** 108.22 (1) (c) of the statutes is amended to read:

12 108.22 (1) (c) Any report or payment, except a payment required by s. 108.15
13 (5) (b) or 108.151 (5) (f) or (7), to which this subsection applies is delinquent, within
14 the meaning of par. (a), unless it is received by the department, in the form prescribed
15 by law or rule of the department, no later than its due date as determined under par.
16 (b), or if mailed is either postmarked no later than that due date or is received by the
17 department no later than 3 days after that due date. Any payment required by s.
18 108.15 (5) (b) or 108.151 (5) (f) or (7) is delinquent, within the meaning of par. (a),
19 unless it is received by the department, in the form prescribed by law, no later than
20 the last day of the month in which it is due.

21 **SECTION 60.** 108.22 (1m) of the statutes is amended to read:

22 108.22 (1m) If an employer owes any contributions, reimbursements or
23 assessments under s. 108.15 or 108.151, interest, fees, or payments for forfeitures or
24 other penalties to the department under this chapter and fails to pay the amount
25 owed, the department has a perfected lien upon the employer's right, title, and

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1 interest in all of its real and personal property located in this state in the amount
2 finally determined to be owed, plus costs. Except where creation of a lien is barred
3 or stayed by bankruptcy or other insolvency law, the lien is effective when the
4 department issues a determination of the amount owed under s. 108.10 (1) and shall
5 continue until the amount owed, plus costs and interest to the date of payment, is
6 paid. If a lien is initially barred or stayed by bankruptcy or other insolvency law, it
7 shall become effective immediately upon expiration or removal of such bar or stay.
8 The perfected lien does not give the department priority over lienholders,
9 mortgagees, purchasers for value, judgment creditors, and pledges whose interests
10 have been recorded before the department's lien is recorded.

11 **SECTION 61.** 108.22 (2) of the statutes is amended to read:

12 108.22 (2) (a) 1. If any employing unit or any individual who is found personally
13 liable under sub. (9) fails to pay to the department any amount found to be due it in
14 proceedings pursuant to s. 108.10, provided that no appeal or review permitted
15 under s. 108.10 is pending and that the time for taking an appeal or review has
16 expired, the department or any authorized representative may issue a warrant
17 directed to the clerk of circuit court for any county of the state.

18 2. The clerk of circuit court shall enter in the judgment and lien docket the
19 name of the employing unit or individual mentioned in the warrant and the amount
20 of the contributions, interest, costs and other fees for which the warrant is issued and
21 the date when such copy is entered.

22 3. A warrant entered under subd. 2. shall be considered in all respects as a final
23 judgment constituting a perfected lien upon the employing unit's or individual's
24 right, title and interest in all real and personal property located in the county where
25 the warrant is entered.

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1 4. The department or any authorized representative may thereafter file an
2 execution with the clerk of circuit court for filing by the clerk of circuit court with the
3 sheriff of any county where real or personal property of the employing unit or
4 individual is found, commanding the sheriff to levy upon and sell sufficient real and
5 personal property of the employing unit or individual to pay the amount stated in the
6 warrant in the same manner as upon an execution against property issued upon the
7 judgment of a court of record, and to return the warrant to the department and pay
8 to it the money collected by virtue thereof within 60 days after receipt of the warrant.

9 (b) The clerk of circuit court shall accept, file and enter each warrant under par.
10 (a) and each satisfaction, release, or withdrawal under subs. (5), (6), and (8m) in the
11 judgment and lien docket without prepayment of any fee, but the clerk of circuit court
12 shall submit a statement of the proper fee semiannually to the department covering
13 the periods from January 1 to June 30 and July 1 to December 31 unless a different
14 billing period is agreed to between the clerk of circuit court and the department. The
15 fees shall then be paid by the department, but the fees provided by s. 814.61 (5) for
16 entering the warrants shall be added to the amount of the warrant and collected from
17 the employing unit or individual when satisfaction or release is presented for entry.

18 **SECTION 62.** 108.22 (8) (b) of the statutes is renumbered 108.22 (8) (b) 1. and
19 amended to read:

20 108.22 (8) (b) 1. To recover any overpayment which is not otherwise repaid or
21 recovery of which has not been waived, ~~or any assessment under s. 108.04 (11) (cm),~~
22 the department may recoup the amount of the overpayment from benefits the
23 individual would otherwise be eligible to receive, or file a warrant against the liable
24 individual in the same manner as is provided in this section for collecting delinquent
25 payments from employers, or both, ~~but only to the extent of recovering.~~

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1 3. Any recovery under this paragraph is limited to the actual amount of the
2 overpayment or assessment and any costs and disbursements, without interest.

3 **SECTION 63.** 108.22 (8) (b) 2. of the statutes is created to read:

4 108.22 (8) (b) 2. To recover any assessment under s. 108.04 (11) (cm), the
5 department may file a warrant against the liable individual in the same manner as
6 is provided in this section for collecting delinquent payments from employers.

7 **SECTION 64.** 108.225 (1) (a) of the statutes is amended to read:

8 108.225 (1) (a) "Contribution" includes a reimbursement or assessment under
9 s. 108.15, 108.151, or 108.152, interest for a nontimely payment, fees, and any
10 payment due for a forfeiture imposed upon an employing unit under s. 108.04 (11)
11 (c) or other penalty assessed by the department under this chapter.

12 **SECTION 65.** 108.225 (20) of the statutes is amended to read:

13 108.225 (20) COST OF LEVY. Any Whenever property is secured by means of a
14 levy, any 3rd party in possession of the debtor's property is entitled to collect from
15 the debtor a levy fee of \$5 for each levy in any case where property is secured through
16 the levy which a debt is satisfied by means of a single payment and \$15 for each levy
17 in which a debt is satisfied by means of more than one payment. The fee is payable
18 from the property levied against and is in addition to the amount of the levy. The 3rd
19 party shall deduct the fee from the proceeds of may charge the fee to the debtor at
20 the time the party transfers the proceeds of the levy to the department.

21 **SECTION 66.** 108.24 (2) of the statutes is amended to read:

22 108.24 (2) Any Except as provided in s. 108.16 (8) (m), any person who
23 knowingly makes a false statement or representation in connection with any report
24 or as to any information duly required by the department under this chapter, or who
25 knowingly refuses or fails to keep any records or to furnish any reports or information

BILL**SECTION 66**

1 duly required by the department under this chapter, shall be fined not less than \$100
2 nor more than \$500, or imprisoned not more than 90 days or both; and each such false
3 statement or representation and every day of such refusal or failure constitutes a
4 separate offense.

5 **SECTION 67.** 165.066 of the statutes is created to read:

6 **165.066 Assistant attorney general; unemployment insurance law**
7 **enforcement.** The attorney general shall assign at least 0.5 assistant attorney
8 general position to assist in the investigation and prosecution of noncompliance with
9 ch. 108.

10 **SECTION 68.** 165.60 of the statutes is amended to read:

11 **165.60 Law enforcement.** The department of justice is authorized to enforce
12 ss. 101.123 (2), (5), and (8), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m),
13 and 945.04 (1m) and ch. 108 and is invested with the powers conferred by law upon
14 sheriffs and municipal police officers in the performance of those duties. This section
15 does not deprive or relieve sheriffs, constables, and other local police officers of the
16 power and duty to enforce those sections, and those officers shall likewise enforce
17 those sections.

18 **SECTION 69. Nonstatutory provisions.**

19 (1) **STUDY OF UNEMPLOYMENT INSURANCE FUND.** The department of workforce
20 development and the council on unemployment insurance shall jointly study the
21 long-term fiscal stability of the unemployment reserve fund and shall determine
22 what measures, if any, are required to maintain that stability. The department and
23 the council shall report their findings and recommendations to the governor and the
24 chief clerk of each house of the legislature for referral to the appropriate standing

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1 committees in the manner provided in section 13.172 (3) of the statutes no later than
2 July 1, 2007.

3 (2) AUTHORIZED POSITIONS; DEPARTMENT OF JUSTICE. The authorized FTE
4 positions for the department of justice are increased by 0.5 PR-S position on January
5 1, 2006, to be funded from the appropriation under section 20.455 (2) (k) of the
6 statutes.

7 **SECTION 70. Initial applicability.**

8 (1) The treatment of sections 108.02 (12) (a) and 108.09 (2) (bm) and (4s) of the
9 statutes first applies with respect to employment after December 31, 2005.

10 (2) The treatment of section 108.02 (15) (j) 7. of the statutes first applies with
11 respect to employment after December 31, 2005.

12 (3) The treatment of section 108.02 (15) (k) 14. of the statutes first applies with
13 respect to benefit years that begin on the effective date of this subsection.

14 (4) The treatment of section 108.02 (21e) (intro.) of the statutes first applies
15 with respect to determinations issued under sections 108.09 and 108.10 of the
16 statutes in the first week beginning in January 2006 or, with respect to
17 determinations that are appealed, to decisions issued under sections 108.09 and
18 108.10 of the statutes in the first week beginning in January 2006.

19 (5) The treatment of section 108.04 (1) (b) 1. and 3. (intro.) and (c) of the statutes
20 first applies with respect to suspensions and terminations of employment occurring
21 on the effective date of this subsection.

22 (6) The treatment of section 108.04 (1) (e) of the statutes first applies with
23 respect to weeks of unemployment beginning on the effective date of this subsection.

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SECTION 70

1 (7) The treatment of section 108.04 (5) and (5g) of the statutes first applies with
2 respect to ~~determinations issued under section 108.09 of the statutes~~ *discharges occurring* on the effective
3 date of this subsection.

4 (8) The treatment of section 108.04 (7) (f) of the statutes first applies with
5 respect to terminations of employment occurring on the effective date of this
6 subsection.

7 (9) The treatment of section 108.04 (13) (c), (e), and (g) of the statutes first
8 applies with respect to redeterminations issued under section 108.09 of the statutes
9 on ~~March 5, 2006~~ *the effective date of this subsection* or, with respect to matters in which no redetermination is issued,
10 with respect to decisions issued under section 108.09 of the statutes on ~~March 5,~~
11 ~~2006~~ *the effective date of this subsection*

12 (10) The treatment of section 108.04 (16) (b) and (c) 2. of the statutes first
13 applies with respect to determinations issued under section 108.09 of the statutes on
14 the effective date of this subsection or, with respect to determinations that are
15 appealed, to decisions issued under section 108.09 of the statutes on the effective
16 date of this subsection.

17 (11) The treatment of section 108.05 (3) (a) of the statutes first applies with
18 respect to weeks of unemployment beginning on the effective date of this subsection.

19 (12) The treatment of section 108.09 (4n) of the statutes first applies with
20 respect to appeals filed on the effective date of this subsection.

21 (14) (13) The treatment of sections 108.151 (4) (b) and (7), 108.16 (6w) and (6x),
22 108.22 (1) (b) and (c) and (1m), and 108.225 (1) (a) of the statutes first applies with
23 respect to payrolls for the 2005 calendar year.

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1 (15) (14) The treatment of sections 108.16 (8) (e) 1., (em), (h), (im), (m), and (n),
2 108.18 (1) (a) and (2) (d), and 108.24 (2) of the statutes first applies with respect to
3 transfers of businesses occurring after December 31, 2005.

4 (16) (15) The treatment of section 108.17 (2b) of the statutes first applies to
5 employers of 75 or more employees with respect to reports required under section
6 108.17 (2) of the statutes for the 2nd quarter beginning after the quarter that
7 includes the effective date of this subsection.

8 (17) (16) The treatment of section 108.17 (2b) of the statutes first applies to
9 employers of 50 to 74 employees with respect to reports required under section
10 108.17 (2) of the statutes for the 6th quarter beginning after the quarter that includes
11 the effective date of this subsection.

12 (18) (17) The treatment of section 108.17 (2g) of the statutes first applies with
13 respect to reports filed under section 108.17 (2) of the statutes for the 2nd quarter
14 beginning after the quarter that includes the effective date of this subsection.

15 (19) (18) The treatment of section 108.205 (1m) of the statutes first applies with
16 respect to reports filed under section 108.205 (1) of the statutes for the 2nd quarter
17 beginning after the quarter that includes the effective date of this subsection.

18 (20) (19) The treatment of section 108.205 (2) of the statutes first applies to
19 employers of 75 to 99 employees with respect to reports required under section
20 108.205 (2) of the statutes for the 2nd quarter beginning after the quarter that
21 includes the effective date of this subsection.

22 (21) (20) The treatment of section 108.205 (2) of the statutes first applies to
23 employers of 50 to 74 employees with respect to reports required under section
24 108.205 (2) of the statutes for the 6th quarter beginning after the quarter that
25 includes the effective date of this subsection.

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1 ~~(21)~~ The treatment of section 108.22 (2) of the statutes first applies with respect
2 to liabilities existing on the effective date of this subsection.

3 ~~(22)~~ The treatment of section 108.225 (20) of the statutes first applies with
4 respect to levies served on the effective date of this subsection.

5 **SECTION 71. Effective date.**

6 (1) This act takes effect on the first Sunday after publication.

7 (END)

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2978/7ins
JTK.....

INS 49-2:

SECTION 1. 108.068 (8) of the statutes is amended to read:

108.068 (8) The department shall treat a limited liability company that files proof under sub. (7) as a partnership or sole proprietorship under this chapter beginning on the same date that the federal internal revenue service treats the company as a partnership or sole proprietorship for federal tax purposes, except that for benefit purposes the treatment shall apply on the same date that the internal revenue service applies the treatment or the date that proof is filed with the department, whichever is later to benefit years in existence or beginning on or after the date that the federal internal revenue service treats the company as a partnership or sole proprietorship for federal tax purposes if the benefit year to which the treatment is applied has not ended on the date that the department first has notice of a benefit eligibility issue that relates to treatment of that liability company.

History: 2003 a. 197.

INS 66-20:

(13) The treatment of section 108.105 (2) of the statutes first applies with respect to suspensions resulting from appeal tribunal hearings held on the effective date of this subsection.

IMS 14-8

Section ~~#~~ 108.02 (21) (b) of the statutes is amended to read:

108.02 (21) (b) Notwithstanding par. (a), ^{except as provided in s. 108.051 (7) (a)} an employer's payroll includes only the first \$10,500 of wages paid by an employer to an individual during a calendar year, including any wages paid for any work covered by the unemployment insurance law of any other state, except as authorized in s. 108.17 (5).

History: 1971 c. 53; 1971 c. 213 s. 5; 1973 c. 247; 1975 c. 223, 343; 1975 c. 373 s. 40; 1977 c. 29, 133; 1979 c. 52, 221; 1981 c. 36, 353; 1983 a. 8 ss. 4 to 12, 54; 1983 a. 168; 1983 a. 189 ss. 158 to 161, 329 (25), (28); 1983 a. 384, 477, 538; 1985 a. 17, 29, 332; 1987 a. 38 ss. 6 to 22, 134; 1987 a. 255; 1989 a. 31; 1989 a. 56 ss. 151, 259; 1989 a. 77, 303; 1991 a. 89; 1993 a. 112, 213, 373, 492; 1995 a. 27 ss. 3777, 9130 (4); 1995 a. 118, 225; 1997 a. 3, 27, 39; 1999 a. 15, 82, 83; 2001 a. 35, 103, 105; 2003 a. 197; 2005 a. 25.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2978/7dn

JTK.....

my

Tom Smith:

In reviewing the text of proposed s. 108.151 (7) (b) of the 6 draft, I noted that the "rate established by the department" to cover the costs of uncollectible reimbursements is actually a rate determined by the fund's treasurer under proposed s. 108.151 (7) (c). I have therefore changed the wording of proposed s. 108.151 (7) (b) to agree with proposed s. 108.151 (7) (c).

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2978/7dn
JTK:wlj:rs

October 17, 2005

Tom Smith:

In reviewing the text of proposed s. 108.151 (7) (b) of the /6 draft, I noted that the "rate established by the department" to cover the costs of uncollectible reimbursements is actually a rate determined by the fund's treasurer under proposed s. 108.151 (7) (c). I have therefore changed the wording of proposed s. 108.151 (7) (b) to agree with proposed s. 108.151 (7) (c).

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Kuesel, Jeffery

From: Smith, Thomas E - DWD UI
Sent: Tuesday, October 18, 2005 4:04 PM
To: Kuesel, Jeffery
Subject: Non-charge for Attendance Discharge under New 108.04(5)

Jeff - Dick Tillema sent me a comment about the non-charge that I failed to bring up at our meeting today. We have discussed his concerns and would like some changes to the language. We would like it to read as follows:

(e) The department shall charge to the fund's balancing account the cost of any benefits paid to an employee that are otherwise chargeable to the account of an employer that is subject to the contribution requirements under ss. 108.17 and 108.18 when (a) applies.

We feel that this is more in line with the non-charge language for quits, which Carla, I and Dick prefer.

Thanks.